

Even more shocking was that such a transfer of power would be authorized by President Clinton when the Commerce Department could not even control breaches of security within its own building. Thanks to an anonymous tip in October 1996, shortly after authority for export controls on technology was shifted to the Commerce Department, Judicial Watch discovered that Ira Sockowitz, a former Special Assistant in the Commerce Department's Office of General Counsel, removed 136 files containing classified satellite encryption data from a safe in his former office after he had left OGC to work at the Small Business Administration.<sup>(355)</sup> Sockowitz had worked at OGC under Ginger Lew, a confidante of John Huang, then joined Lew at the SBA after she left OGC for that agency. Sockowitz' replacement at OGC, Jeffrey May, allowed Sockowitz unsupervised access to the safe in his former office, apparently allowing Sockowitz to remove the classified satellite encryption data.<sup>(356)</sup>

The sensitivity of this information is immeasurable—encryption data are used by U.S. intelligence to keep instructions sent to communication satellites, including instructions for nuclear missiles, secret.<sup>(357)</sup> Undoubtedly, the documents Sockowitz took with him contained information extremely vital to U.S. national security—and likewise invaluable to rival nations. Despite this alarming security breach, the Clinton Justice Department decided in a matter of only weeks without any real investigation, that there was no case against Sockowitz. It came to this astonishing conclusion without even questioning Lew or his replacement at OGC, Jeffrey May.<sup>(358)</sup> In pursuing its own case against the Clinton Commerce Department, Judicial Watch may have uncovered how these secret files were used. Both Sockowitz and Lew were involved in the process of selecting participants for trade missions.<sup>(359)</sup> In fact, Sockowitz was put in charge of screening companies seeking to participate in trade missions. One such mission was the now-controversial 1994 trade mission to China during which Loral's Bernard Schwartz began a business relationship with a Chinese government official that would ultimately lead to U.S. satellites being launched on Chinese rockets and the possibly unlawful transfer of missile technology to the Chinese.

At his deposition in Judicial Watch's lawsuit, Sockowitz admitted that he kept classified materials, as well as documents concerning trade missions, in the safe in his Commerce Department office at OGC.<sup>(360)</sup> Sockowitz also admitted that he took some of these documents from the Clinton Commerce Department—including documents that were responsive to Judicial Watch's FOIA requests—and stored them in another safe at the SBA.<sup>(361)</sup> Lew, Sockowitz's boss, testified that she knew of no reason why Sockowitz would have taken these documents with him, because they would be of no value to anyone at the SBA.<sup>(362)</sup>

On November 5, 1996, the Court ordered that Sockowitz's safe at SBA, which already had been taken into custody by special agents from the SBA's Office of Inspector General ("IG"),<sup>(363)</sup> was to be inventoried by Commerce Department officials no later than November 13, 1996. The Court also ordered that Sockowitz's safe and computer at the Commerce Department remain in the custody of the Commerce Department IG, pending further order from the Court. The resulting inventory of Sockowitz's safe at SBA revealed that not only did it contain documents responsive to Judicial Watch's FOIA requests, but also highly sensitive, classified national security intelligence data on China, Russia and India, as well as the highly sensitive satellite encryption and telecommunications data previously mentioned.<sup>(364)</sup> Some of these materials were ultimately turned over to the Central Intelligence Agency. When another organization sought access to some of these same documents through FOIA, both the Commerce Department and the National Security Agency stated, in sworn affidavits, that the release of these documents "could harm national security."<sup>(365)</sup>

According to Nolanda Hill, Secretary Brown was also worried about Sockowitz' activities at the Commerce Department:

Q: And I believe you told me that Ira [Sockowitz] funneled information to others, that Ron was aware of that?

A: I don't believe I used those words.

Q: What words did you use?

A: He—Ron—Secretary Brown was concerned that that might be happening.<sup>(366)</sup>

Additional questioning of Hill, and the later deposition of Lauri Fitz-Pegado, another close confidante of Secretary Brown who traveled with him on nearly every trade mission, and the Commerce Department's Director of the Foreign Commercial Service, revealed what may have happened with the highly sensitive satellite encryption and telecommunications data misappropriated by Sockowitz. Ms. Hill testified:

Q: You knew that Ira Sockowitz had been close to (top Commerce official) Laurie Fitz-Pegado at the Commerce Department from your discussions with Ron?

A: Not close. I mean—

Q: Or had worked with her in some way?

A: I knew that he—she had worked—that he had worked with her, yes.<sup>(367)</sup>

At the July 18, 1997 and August 1, 1997 deposition of Fitz-Pegado, Judicial Watch discovered that she and at least three (3) other former Clinton Commerce Department employees, who also had access to top-secret classified information, left Commerce and went to work for Iridium World Communications, Ltd.<sup>(368)</sup> Iridium is a multi-billion dollar company that is building a global wireless communication network that will enable subscribers to communicate using handheld telephones and pagers virtually anywhere in the world.<sup>(369)</sup> Iridium's global network operates through combining a series of low-orbit satellites with land-based wireless systems. The sixty-six (66) low-earth-orbit satellites communicate with each other through encrypted messages. Iridium is owned, in part, by state-controlled entities in China, Russia and India.<sup>(370)</sup> These are the same three (3) countries that were the subject of classified intelligence data secretly removed by Sockowitz from the Clinton Commerce Department and stored in his safe at the SBA.<sup>(371)</sup>

Obviously, Iridium stood to benefit enormously from the sensitive satellite encryption and telecommunications data that Sockowitz apparently removed from his safe at the Clinton Commerce Department and later kept in his safe at the SBA. Also, Fitz-Pegado seemingly had few qualifications for either her Clinton Commerce Department position, or her Iridium position, and ostensibly was hired because she was a close confidante of Secretary Brown and had accompanied him on trade missions.<sup>(372)</sup> It is more likely that Fitz-Pegado and her staff were extremely attractive to Iridium and its foreign joint-venture partners because they had access to top-secret, classified national security information while at the Clinton Commerce Department.

The Clinton Administration's transfer to the Commerce Department of the power to control exports of highly sensitive technology, without even minimally adequate measures to properly protect that information, raises serious national security questions. Moreover, the revolving door uncovered by Judicial Watch raises the additional concern that highly sensitive information may have already been compromised. Were the individuals at the Clinton Commerce Department approving technology transfers to China on behalf of, or to aid companies they planned to work for after leaving the government?

### *C. The Infamous 1994 Trade Mission Trip to China*

Press reports indicate that the Clinton White House expended substantial effort on the 1994 trade mission to China.<sup>(373)</sup> The most likely reason for this substantial effort is because during the trip, the Lippo Group, John Huang's former employer, the Chinese Government, and Entergy Corporation, a company with offices in Arkansas, successfully concluded negotiations for the building of a power plant in China.<sup>(374)</sup> According to Ms. Hill, Secretary Brown was ordered by Clinton to further the negotiations on behalf of Huang's Lippo Group. In attendance on the China trip were Melinda Yee, the mission's official note-taker who later testified at her Judicial Watch deposition that she destroyed all of her notes, Ira Sockowitz, who would later remove classified satellite encryption data and classified national security intelligence on China, Russia and India from his office at OGC, and Bernard Schwartz, Chief Executive Officer of Loral.<sup>(375)</sup>

Sockowitz reportedly claimed that he did not recall seeing Huang or Yee on the trip, but did recall sitting next to Bernard Schwartz at a dinner in Beijing with Chinese officials.<sup>(376)</sup> Huang reportedly pushed for Schwartz to be on the China trip, and Secretary Brown reportedly arranged a meeting between Schwartz and a top official of China's Ministry of Post and Telecommunications.<sup>(377)</sup> Schwartz later recalled that the meeting "helped open doors that were not open before."<sup>(378)</sup> Soon after the trip, Schwartz won the satellite transmission rights for a multi-billion dollar mobile telephone network in China.<sup>(379)</sup> Schwartz also reportedly lobbied hard to get satellite export control authority moved from the State Department to Commerce, and contributed heavily to the Democratic Party in the process. Indeed, he has provided some \$1.9 million to Democrats since 1992, and was the party's largest, single donor in 1997.

In the months before Loral received the Clinton Administration's permission to launch a satellite from China, Schwartz reportedly attended three events inside the White House with President Clinton.<sup>(380)</sup> He was also under scrutiny at the time for earlier assistance to China that U.S. officials feared improperly aided the com-

munist country's missile program. Some believe Loral may well have passed sensitive satellite launch data to China Aerospace, an entity that is controlled by the People's Liberation Army, which, perhaps not coincidentally, is also an owner of Iridium. In fact, the Pentagon recently reported that Loral's data disclosure "harmed" national security.

#### ***D. Commerce Official's Diaries Detail Information of "State Secrets"***

In addition to the top secret documents taken by Ira Sockowitz from the Clinton Commerce Department,<sup>(381)</sup> Judicial Watch also uncovered that Secretary Brown's Chief of Staff, William Ginsburg, recorded classified information in "personal" diaries he kept in his office. The Clinton Administration itself admits that Ginsberg's allegedly "personal" diaries detailed "state secrets," including information on satellite surveillance, intelligence personnel and capabilities, and notes of a meeting of the National Security Council on an unnamed foreign country, among other "national security" information.<sup>(382)</sup> The similarities between the contents of the diaries and the materials taken by Sockowitz, notably the secret satellite information, are striking.

Ginsburg's 12-volume diaries, consisting of 3,600 pages, could prove to be the "Rosetta stone" of how the Clinton Commerce Department operated under Secretary Brown. The diaries detail John Huang's attempts to maintain a security clearance after leaving the Clinton Commerce Department,<sup>(383)</sup> and concerns about Clinton donor/China trade mission participant Bernard Schwartz of Loral. The Associated Press recently reported a key detail in the Ginsburg diaries concerning Schwartz's connection to the Clinton Commerce Department:

Sometimes the relationship was a little too close for comfort.

When Loral was in the process of buying Unisys Corp.'s defense division in 1995, the Commerce Department's chief of staff [William Ginsberg] wrote in his diary of concerns that a big donor like Schwarz might be seeking an audience with top department officials at a time when he needed to resolve a federal contract dispute involving Unisys during the deal.

"Key: not to talk to Loral (Bernard Schwartz) re this," then-Commerce chief of staff William Ginsberg wrote.<sup>(384)</sup>

The Ginsberg diaries are currently in limbo, as the Clinton Commerce Department and Ginsberg "fight" over whether the diaries belong to the government or to Ginsberg personally.<sup>(385)</sup> In the meantime, it is "beyond dispute that a top Clinton Commerce Department official was recording top secret information into what he considered at the time to be his personal diaries, which he later removed without authorization from the Department. And as with the secreting of top secret data by Ginsberg's colleague Ira Sockowitz, this potentially serious breach of national security was uncovered only through Judicial Watch's refusal to be thwarted by the Clinton Administration's obstruction of justice in this case. It was not discovered by Janet Reno and her Justice Department.

#### ***E. More Chinese Ties—Johnny Chung.***

Another Clinton donor tied to the Chinese Government is Johnny Chung. Chung recently admitted that he funneled at least \$100,000 of the \$300,000 he received from Chinese military intelligence to Democrat causes in the summer of 1996. The conduit for the money was Liu Chao-ying, whose father was the head of China's military at the time the donations were made to the DNC.<sup>(386)</sup>

Chung likely achieved his China connections through the Clinton Commerce Department. According to *The Washington Post*, investigators have searched through "fragments of data gathered from U.S. intelligence surveillance intercepts and business records" to trace the relationship between Chung and his Chinese military patrons:

The documents also trace the history of their partnership, showing how Chung's political donations—which ultimately totaled \$366,000 and were all eventually returned by the Democratic National Committee—led directly to meetings with Commerce Department officials. They suggested he attend a U.S. trade mission in Beijing, where Chung was introduced to senior Clinton administration officials, as well as the network of Chinese executives that would eventually include Liu.

\* \* \* \* \*

The same month as his donation to the party, Democratic operatives introduced Chung to then-Deputy Assistant Commerce Secretary Jude Kearney, who in turn suggested that Chung join a Commerce Department trade mis-

sion to China, according to Chung's proposed testimony—or proffer—to the Senate investigators. (Kearney said through an attorney that he did not recall making that suggestion, but did not dispute Chung's account.)

The trip was Chung's first visit to China. Indirectly, it led to Chung's meeting with Liuand, in a previously unreported twist on the campaign finance scandal, to his hooking up with another Democratic fund-raiser, Yah Lin "Charlie" Trie, who was indicted earlier this year on charges that he illegally funneled foreign money to the Democrats.

Chung made the trip at his own expense and was not listed as a member of the official U.S. delegation, but Kearney met him at the Beijing airport and escorted him to a restaurant where they met Trie's wife, Chung's proffer said. Kearney then took Chung to a hotel where they met then-Commerce policy official Melinda Yee, the proffer said. Chung later attended functions where he met with government officials and executives from the United States and China, and had his picture taken with Commerce Secretary Ronald H. Brown.<sup>(387)</sup>

Clearly, the Clinton Commerce Department trade mission to China in 1994 was a confluence of illegal fundraising and illicit deal-making—which lead eventually to likely breaches of national security including a massive attempt by a foreign power to subvert the electoral process in the United States. At best, this is serious malfeasance by the Clinton Administration. At worst, and more likely, the Clinton Administration's disinterest in breaches of national security was purposeful—so as to allow the campaign fundraising operation run out of the Clinton White House and Commerce Department to proceed unchecked. It is thus clear that the campaign fundraising abuses at the Clinton Commerce Department, ordained and then covered-up by the Clinton White House, gave rise to likely breaches of national security.

#### ***F. More Chinese Ties—Charlie Trie***

Yet another Clinton donor with links to the Clinton Commerce Department is Charlie "Yah Lin" Trie, who is under investigation for funneling illegal foreign donations to the DNC.<sup>(388)</sup> Trie also helped the Chinese communist arms dealer Wang Jun to gain access to a fundraising coffee with President Clinton.<sup>(389)</sup>

Documents uncovered by congressional investigators demonstrate the nexus of money, access and China at the Clinton Commerce Department:

A key ally [of Trie's], according to the documents, was Jude Kearney, a deputy assistant secretary in the Commerce Department's International Trade Administration.

In October 1993, Trie helped shepherd Kearney, a fellow Arkansan, around China.

"It was very helpful to have someone around who knew the ropes," Kearney wrote Trie after the trip.

In June 1994, Kearney joined Trie's business associates and guests at a table at a Democratic National Committee fund-raising dinner while Trie sat at Clinton's table. That fall, according to the documents, Kearney supported a request by Trie to host a party for the participants on a U.S. trade mission to China. Kearney said last year he couldn't recall whether Trie actually ever hosted the party. In February 1995, Trie sat at first lady Hillary Rodham Clinton's table at another Democratic fund-raiser.

The documents show that in September 1995, Kearney asked the U.S. Embassy in Beijing to invite Trie to events with Mrs. Clinton during her trip to China. Upon Trie's return to the United States, he attended a White House dinner with other large Democratic givers, including postal union leader Moe Biller, Miramax Films co-chairman Harvey Weinstein and oil executive Roger Tamraz, who was raising money for Democrats while being wanted in Lebanon on bank fraud charges.

Later Trie joined a Commerce Department discussion of Asian issues with the chief executive officers of Boeing, Lockheed Martin and other companies and such federal policymakers, including Deputy Commerce Secretary David Barram and Small Business Administrator Philip Lader. And in January 1996, Kearney and Trie both attended a meeting of the Chinese Association for Science and Technology.<sup>(390)</sup>

Judicial Watch uncovered that Trie had regular access to Deputy Assistant Secretary Kearney, meeting with him several times.<sup>(391)</sup> Kearney's secretary, Christine

Sopko, testified that the schedule and agenda for the 1994 trade mission to China was faxed to Trie from Kearney's office and that Trie, who had no security clearance, may have had access to classified documents in Kearney's office.<sup>(392)</sup> Even more worrisome is that Kearney's office in the Clinton Commerce Department had a back door through which individuals could come and go unseen by the staff outside.<sup>(393)</sup>

Trie is now under indictment for "purchas[ing] access to high-level government officials in the United States by contribution and soliciting contributions to the DNC."<sup>(394)</sup> The Clinton Justice Department, which issued the indictment, has yet to charge any of the officials who accepted or benefitted from Trie's bribes.

## V. Conclusion

Judicial Watch will continue to pursue its investigation, but Congress must, nonetheless, act. The Clinton Commerce Department has essentially pled *nolo contendere* to Judicial Watch concerns about the shredding of documents, perjury, and the outright refusal to produce documents in response to court orders. In an extraordinarily desperate legal move, the Clinton Justice Department, speaking for the Clinton Commerce Department, asked the Court to close the Judicial Watch case by entering a judgement against *itself*. The Clinton Commerce Department has offered to do a "second search" for trade mission documents and pay Judicial Watch, using taxpayer money, at least \$2 million dollars in attorneys' fees and costs. Judicial Watch will not be bribed, especially with taxpayer funds, and has opposed this Clinton Administration ploy to make the investigation into the illegal sale of trade mission seats go away.

Instead, Judicial Watch has asked the Court to begin immediate criminal contempt proceedings against those who have obstructed justice in this case—namely, Clinton agents Leon Panetta, John Podesta, Melissa Moss, Jude Kearney and others.

In the meantime, more documents corroborating that illegal fundraising occurred at the Clinton Commerce Department emerged just recently. The documents, memos from Clinton Commerce official Sally Painter (Melissa Moss's deputy in Commerce's Office of Business Liaison), are more "smoking guns." One memo, dated January 24, 1994, indicates that Painter "will be meeting with Eric Silden of the DNC on 1/24 to discuss key business types that we want for the database and other interactions that should take place."<sup>(395)</sup> Another document by Silden also confirms the DNC provided donor names to the Commerce Department.<sup>(396)</sup> The Associated Press reported:

But in a Jan. 13, 1994, electronic-mail memo to his colleagues at the DNC, staff member Eric Silden reported that Commerce official Sally Painter had called "to ask for a list of candidates for a trade mission to Russia."

Silden's e-mail suggested that DNC staffers use a list of suggested participants for a trade mission to Belgium as a starting point for coming up with a list for the Russia trip.<sup>(397)</sup>

Based in part on these new documents, the Court authorized a subpoena for more Commerce records and computers, and authorized the depositions of key Clinton fundraisers Terry McAuliffe and Marvin Rosen, among other DNC officials.<sup>(398)</sup> McAuliffe and Rosen were two of the Clinton fundraisers implicated in wrong-doing by Noland Hill in her court testimony on the trade mission sales.<sup>(399)</sup> The DNC will now have to turn over more documents that could further expose the DNC-Commerce-White House illegal fundraising apparatus.

A separate Judicial Watch case, against the Clinton-appointed-dominated Federal Election Commission ("FEC"), could also further expose the scheme to sell trade mission seats for political contributions to the light of day. Having already uncovered the sale of seats on Clinton Commerce Department trade missions, Judicial Watch filed a complaint with the FEC on August 26, 1996, to investigate and take appropriate action to redress this illegal activity. Without taking any action for a year and a half, the FEC casually dismissed Judicial Watch's complaint on December 15, 1997. As a result, Judicial Watch filed suit.

Ironically, while commencing controversial investigations into GOPAC and other alleged illegal Republican campaign finance abuses, the General Counsel of the FEC, Lawrence Noble—a partisan Democrat—moved to have Judicial Watch's complaint dismissed, claiming, with great bombast, that it was frivolous and, in echoes of prior acts of intimidation by the Clinton Administration, that Judicial Watch's Chairman, Larry Klayman, should be sanctioned.<sup>(400)</sup>

The Court strenuously disagreed and found that the FEC's inaction, in the face of serious allegations of bribery, were "inexplicable." The Court, in denying Mr. Noble's motion to dismiss and motion for sanctions, took the added step of entering judgment itself (*i.e., sua sponte*) against the FEC. In so doing, the Court gave the



FEC 120 days, or until early November 1998, to decide how it would handle Judicial Watch's allegations. The Court also noted that, "[f]or some reason [perhaps because its enforcement arm is run by a Democrat, General Counsel Lawrence Noble], the FEC is attempting to thwart a review of [Judicial Watch's] charges. . . ." (401)

Senator John McCain, the Chairman of the Senate Committee on Commerce, Science, and Transportation (which has oversight responsibility for the Clinton Commerce Department), has also recently expressed concern about the evidence of the sale of the Clinton Commerce Department seats and its link to national security:

When the decision makers are cloaked in the shadows of impropriety, we lose confidence. When I see memos such as this one (MEMO RE WHITE HOUSE ACTIVITIES), advertising how favors such as inclusion in Department of Commerce trade missions can be bought for a campaign contribution, I can't help but wonder whether the same agency can be trusted to make responsible decisions regarding national security. (402)

A reasonable analysis of the documentary and testimonial evidence unearthed by Judicial Watch would indicate that President Clinton and First Lady Hillary Rodham Clinton were heavily involved in the theft of government resources to sell for contributions for President Clinton's re-election bid. This fundraising push, to the degree it involved individuals such as Clinton-hire John Huang and policies such Clinton-approved hi-tech transfers to China through Commerce, compromised our nation's security. The President's two White House deputies, then-Chief of Staff Leon Panetta and Deputy Chief of Staff John Podesta, ordered the late Commerce Secretary Ron Brown to cover-up these crimes. Clinton's agents at Commerce and the Department of Justice did their level best to accomplish this.

If it were not for Judicial Watch's exposure of John Huang; if it were not for Judicial Watch's refusal to walk away with \$2 million in taxpayer dollars offered by Clinton's agents; if it were not for Judicial Watch's investigations that have uncovered key documents and witnesses such as Noland Hill, and if it were not for a diligent and alert Court, then the President, his appointees, and agents might have gotten away with this criminal enterprise.

The overwhelming evidence of President Clinton's illegal activities related to the Commerce trade mission sales are now before this Congress. We respectfully request, in the context of expected impeachment proceedings on other serious issues, that Congress consider whether the actions of this President and his appointees in this matter also warrant his impeachment and removal from office. (403)

#### PART IV

#### **TRUST-GATE**

#### **Crimes and Other Offenses Relating to The Presidential Legal Expense Trust that Warrant Impeachment and Removal from Office of President Bill Clinton**

The Presidential Legal Expense Trust (the "Trust") was established by private trustees on behalf of Bill and Hillary Clinton in June 1994. (404) It was allegedly established to pay the President's legal fees incurred in defending against the numerous scandals of his Administration, as well as the private litigation brought against him, i.e., the Paula Jones lawsuit. In fact, the Trust was an illegal scheme, unlawfully soliciting and/or receiving something of value for the President, which violated the anti-bribery laws of the United States. Indeed, members of Congress have recognized the "grave legal and ethical questions" raised by the President's Trust. (405) In so doing, they pointed to the sweeping prohibition in 5 U.S.C. § 7353(a), which states that:

[N]o Member of Congress or officer or employee of the executive, legislative, or judicial branch shall solicit or accept anything of value. . . . (406)

They also noted that the implementing regulations carrying this prohibition into effect make the point even clearer. (407) Those regulations address the standards of ethical conduct for employees of the Executive Branch, and state that "an employee shall not, directly or indirectly, solicit or accept a gift." (408) According to Congressman Cox and Congresswoman Pryce, "[i]t would be difficult to draft a clearer prohibition." (409)

It was also quite clear to most commentators at the time, including Paul Gigot, that influence peddlers would use the opportunity to effectively bribe the President and Mrs. Clinton:

Now that President and Mrs. Clinton have established their Legal Expense Trust, I'm thinking about writing a check for \$500. Since Mr. Clinton we will be informed of my gift, maybe I'll get that interview he's somehow always resisted. Come to think of it, if I doubled by gift to \$1,000, maybe I'll get Hillary too.

\* \* \* \* \*

Indeed, that's why Congress passed a law (5 U.S. Code 7363) that says executive branch officials can't "solicit or accept" gifts from people whose interests they might affect. In view of this ban, I asked a senior White House official for the defense fund's legal rationale.

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All of this goes beyond law to the power and conduct of the presidency. By so blithely ignoring the law, the Clinton White House has again shown how easily it will cut ethical corners. And by begging for money, it undermines the president's credibility and demeans his office. Which is why someone else should try to restore presidential dignity. First someone could sue to test the legality of the defense fund.<sup>(410)</sup>

On August 4, 1994, Judicial Watch brought suit challenging the Trust, creatively alleging that the actions of the trustees, in providing advice to the President and Mrs. Clinton on the workings of the Trust, were tantamount to a federal advisory committee, and thus either needed to be completely open to public scrutiny, or shut down.<sup>(411)</sup>

Because the trustees chose not to make the Trust's operations public, Judicial Watch pressed its case to a conclusion. While finding that the Trust was not subject to the Federal Advisory Committee Act<sup>(412)</sup> because it was a private, not governmental, activity, the Honorable Royce C. Lamberth of the U.S. District Court for the District of Columbia ruled that it nevertheless raised "major public policy, legal and ethical questions," which he could not reach under his jurisdiction.<sup>(413)</sup>

Ironically, by finding the Trust to be a private activity, the Court effectively "indicted" it, as his ruling thrust it into the realm of criminal activity. Consequently, Judicial Watch requested that Attorney General Reno investigate the matter and appoint an independent counsel. She refused to do so.<sup>(414)</sup>

It was later discovered, as predicted, that the Trust was indeed a convenient conduit for attempted bribery. It eventually became known to the public that hundreds of thousands of dollars were being laundered into its accounts by Charlie Trie, money which came from foreign, possibly Communist Chinese sources.<sup>(415)</sup> As a result, the Trust was closed as of January 1, 1998.<sup>(416)</sup>

However, a few weeks later on February 17, 1998, a new Trust was established, which is even more illegal than the first.<sup>(417)</sup> The Office of Government Ethics (an office that serves at the pleasure of the White House) found that the first Trust could receive but not solicit; the second Trust now solicits as well.<sup>(418)</sup> Indeed, a number of fat-cat donors, including Hollywood moguls such as Steven Spielberg and Barbara Streisand, have pumped huge amounts of cash into the operation.<sup>(419)</sup> It is undoubtedly only a matter of time until it is again revealed that influence peddlers, such as Charlie Trie and his Chinese benefactors, have found a new way to infiltrate the second Trust. Indeed, at the time that Charlie Trie was laundering Chinese money into the first Trust, he was also seeking and obtaining confidential communications from the President, undoubtedly for his Chinese benefactors, about American intentions over the then-brewing international crisis in the Straits of Taiwan.<sup>(420)</sup>

That these defense funds were simply an illegal means to raise money through influence peddlers, and not a genuine attempt to pay the President's legal bills, was even conceded by presidential adviser Dick Morris, who correctly questioned why Bill and Hillary Clinton could not simply take out bank loans at market rates, and pay the loans back after they left office. Then, they will obviously benefit from multimillion dollar book deals, speaking engagements, and others sources of income, which will make them wealthy beyond expectations.

Last Sunday, *The Washington Post* reported Clinton's chief fundraiser, Terrence McAuliffe (who also participated, according to Noland Hill, in the illegal sale of seats on Commerce Department trade missions) has been enlisted to raise more illegal funds to pay a possible settlement in the Paula Jones lawsuit.<sup>(421)</sup> The President's "chutpah" and penchant for being bought by illegal influence peddlers apparently knows no limits.

The legal defense funds of the Clintons are tantamount to a violation of the bribery provision of Section 4, Article 2 of the U.S. Constitution, which states:

**Section 4—All civil offices forfeited for certain crimes**

The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

“Bribery” is:

The offering, giving, receiving, or soliciting of any thing of value to influence action as official or in discharge of legal or public duty.

Black’s Law Dictionary 239 (rev. 4th ed. 1968). The President has unlawfully solicited and received enormous sums of money and other things of value from persons who obviously want something in return. This is simply illegal.

**CONCLUSION**

In the last four years, Judicial Watch has uncovered substantial and credible evidence that warrants an impeachment inquiry concerning the activities of President Clinton and his agents. The serious violations of personal privacy rights, witness intimidation, national security breaches, and bribery, graft and obstruction of justice perpetrated by this Administration against the American people cannot be addressed and rectified through censure, or even impeachment, however. To prevent this from ever happening again, Congress should not only vote articles of impeachment, and convict the President, it must require that criminal prosecutions follow any such removal from office.

While Judicial Watch’s cases and investigations are continuing, so too must the inquiries undertaken by, and in progress before, the U. S. Congress. Now is the time for all concerned Senators and Representatives to put partisan politics aside, and move aggressively and seriously to clean up the rampant corruption which is destroying the very fabric of our democratic government.

Respectfully submitted,

LARRY KLAYMAN,  
Chairman & General Counsel.

THOMAS J. FITTON,  
President.

ALLAN J. FAVISH,  
Senior Attorney.

JUDICIAL WATCH, INC.

**ENDNOTES**

<sup>1</sup> Language borrowed from Articles of Impeachment Adopted by the Committee on the Judiciary of the House of Representatives, Summer 1974.

<sup>2</sup> Judicial Watch is a non-partisan, public interest law firm that uses the courts to fight corruption in the government and legal profession. See Summary of Judicial Watch Cases and Lists of Judicial Watch Depositions, attached collectively as Appendix Exhibit 1.

<sup>3</sup> Amended Complaint, *Dolly Kyle Browning, et al. v. William Jefferson et al.*, No. 98–1991 (D.D.C. filed September 14, 1998), attached as Appendix Exhibit 187.

<sup>4</sup> Complaint, *Alexander, et al. v. Federal Bureau of Investigation, et al.*, Nos. 96–2123/97–1288 (D.D.C. filed September 12, 1996/June 9, 1997) (“*Alexander v. FBT*”), attached as Appendix Exhibit 2.

<sup>5</sup> Jonathan Broder & Harry Jaffe, “Clinton’s Sexual Scorched-Earth Plan,” *Salon Magazine*, August 5, 1998 (emphasis omitted), attached as Appendix Exhibit 3.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> Jamie Dettmer, “A National Lampoon,” *Insight Magazine*, September 21, 1998, attached as Appendix Exhibit 4.

<sup>10</sup> *Id.*

<sup>11</sup> Edward Walsh, “Burton Fathered Child In Extramarital Affair,” *The Washington Post*, September 5, 1998, at A1, attached as Appendix Exhibit 5.

<sup>12</sup> Stephen Talbot, “Newt’s Glass House,” *Salon Magazine*, August 28, 1998, attached as Appendix Exhibit 6.

<sup>13</sup> David Talbot, “This Hypocrite Broke Up My Family,” *Salon Magazine*, September 16, 1998, attached as Appendix Exhibit 7.

<sup>14</sup> A record maintained in violation of this prohibition need not even be kept in a “system of records.” *Boyd v. Secretary of the Navy*, 709 F.2d 684, 687 (11th Cir. 1983); *Clarkson v. IRS*, 678 F.2d 1368, 1373–77 (11th Cir. 1982); *Albright v. United States (I)*, 631 F.2d 915, 918–20 (D.C. Cir. 1980).

<sup>15</sup> Memorandum Opinion at 3–7, *Alexander v. FBI*, June 12, 1997, attached as Appendix Exhibit 8.

<sup>16</sup> *Clarkson v. IRS*, 678 F.2d 1368, 1372 (11th Cir. 1982); *Murphy v. NSA*, 2 Gov’t Disclosure Serv. (P–H) ¶ 81,389, at 82,036–37 (D.D.C. September 29, 1981); see also OMB Guidelines, 40 Fed. Reg. 56,741, 56,742 (1975).



- <sup>17</sup> Secret Service WAVES Logs, attached as Appendix Exhibit 9.
- <sup>18</sup> House Comm. On Gov't Reform and Oversight, Investigation into the White House and Dept. of Justice on Security of FBI Background Files, H.R. Doc. No. 862, 104th Cong., 2nd Sess. 62-65 (1996) ("House Report"), attached as Appendix Exhibit 10.
- <sup>19</sup> House Report at 55, 59, attached as Appendix Exhibit 10.
- <sup>20</sup> Defendant's Response to Request #3, *Alexander v. FBI*, (showing requests by White House personnel for access to FBI background investigation files or summary reports on former Reagan and Bush Administration appointees and employees, the dates requested and the dates returned), attached as Appendix Exhibit 11.
- <sup>21</sup> George Lardner, Jr., "White House Contradicted on FBI Files," *The Washington Post*, October 5, 1996, at A1, attached as Appendix Exhibit 12.
- <sup>22</sup> Deposition of Marl Anderson at 354-360, May 7, 1998 ("Anderson Depo."), attached as Appendix Exhibit 13.
- <sup>23</sup> *Id.* at 287-89.
- <sup>24</sup> Office of Personnel Security Logs, attached as Exhibit 13 to Anderson Depo., attached as Appendix Exhibit 14.
- <sup>25</sup> Lucianne Goldberg, Linda Tripp's literary agent, confirmed this in part to CBS News on July 6, 1998. See CBS News Transcript, Monday, July 6, 1998, attached as Appendix Exhibit 15. Ms. Goldberg also has routinely discussed Ms. Tripp's knowledge of "Filegate" on Fox News Channel.
- <sup>26</sup> Brian Blomquist, "Tripp: Telling the Truth's Very Easy," *New York Post*, July 1, 1998, attached as Appendix Exhibit 16.
- <sup>27</sup> Tony Snow, "Tripp: Fear is a magnificent motivator," *The Detroit News*, Monday, August 3, 1998, attached as Appendix Exhibit 17.
- <sup>28</sup> Don Van Natta, Jr. & Francis X. Clines, "Starr Finally Confronts His Target," *The New York Times*, August 17, 1998, attached as Appendix Exhibit 18.
- <sup>29</sup> Williams & Connolly Press Release, attached as Appendix Exhibit 19.
- <sup>30</sup> Deposition of Terry Lenzner at 90-91, March 13, 1998 ("Lenzner Depo."), attached as Appendix Exhibit 20.
- <sup>31</sup> *Id.* at 85-90.
- <sup>32</sup> Timothy J. Burger, "Freeh to FBI: Beware of Active Alumni," *Legal Times*, attached as Appendix Exhibit 21.
- <sup>33</sup> Lenzner Depo. at 70-78, 284-85, attached as Appendix Exhibit 20. Among members of the judiciary Lenzner has apparently investigated are Justice Clarence Thomas, Judge Robert Bork and other judges who work in the District of Columbia. *Id.* at 284-86.
- <sup>34</sup> *Id.* at 67-85, 231-244.
- <sup>35</sup> *Id.* at 362; see also *id.* at 364 (Lenzner admitting, however disingenuously, that he had not been retained to investigate Judicial Watch, but refusing to answer whether he had been retained to investigate Landmark Legal Foundation).
- <sup>36</sup> Matt Beer, "As GOP Calls for Probes, Hyde Scoop Source Exposed," *San Francisco Examiner*, September 18, 1998, at A6, attached as Appendix Exhibit 22.
- <sup>37</sup> Motion of President Clinton to Intervene, *Alexander v. FBI*, August 31, 1998, attached as Appendix Exhibit 23.
- <sup>38</sup> Transcript of Weekly Roundtable at 2-3, February 8, 1998, attached as Appendix Exhibit 24.
- <sup>39</sup> See excerpt from Seymour M. Hersch, *The Dark Side of Camelot*, at 387-411, attached as Appendix Exhibit 25.
- <sup>40</sup> The Court sharply rebuked Stephanopoulos after he obviously failed to search for documents responsive to the subpoena *duces tecum* Judicial Watch served on him, but falsely testified at deposition that he had. "This leads the court to conclude that Stephanopoulos failed to conduct any search for responsive documents and did so without explanation, and that some of his deposition testimony on this point is not truthful." Order at 25 n.4, *Alexander v. FBI*, May 28, 1998, attached as Appendix Exhibit 26. In addition to having been found to have lied to the Court, Stephanopoulos was also ordered to be redeposed, and to pay Judicial Watch's attorneys' fees and costs. *Id.* at 26.
- <sup>41</sup> Stephanopoulos still maintains close contact with officials of the White House and allies such as James Carville, with whom he speaks at least several times a day. Deposition of George Stephanopoulos at 43-44, March 9, 1998 ("Steph. Depo."), attached as Appendix Exhibit 27. He appears to be a conduit of information from the White House to the public, using his mantle at ABC and Newsweek in part to broadcast White House threats.
- <sup>42</sup> Jane Mayer, "Portrait of a Whistleblower," *The New Yorker*, at 34, March 23, 1998, attached as Appendix Exhibit 28.
- <sup>43</sup> Dick Morris, "Bill's Secret Police Strike Again," *New York Post*, March 17, 1998, attached as Appendix Exhibit 29.
- <sup>44</sup> Deposition of Clifford Bernath at 270:9-10, 319:19-320:16, April 30, 1998 ("Bernath Depo."), attached as Appendix Exhibit 30.
- <sup>45</sup> *Id.* at 319:19-320:16.
- <sup>46</sup> *Id.* at 321:2-7.
- <sup>47</sup> Transcript of Motions Hearing at 43-45, *Alexander v. FBI*, April 30, 1998, attached as Appendix Exhibit 31.
- <sup>48</sup> Deposition of Kenneth Bacon at 195:4-196:12, May 15, 1998 ("Bacon Depo."), attached as Appendix Exhibit 32.
- <sup>49</sup> *Id.* at 211:4-22.
- <sup>50</sup> *Id.* at 236:6-8.
- <sup>51</sup> See transcript of *Fox News Sunday* at 9, April 26, 1998, attached as Appendix Exhibit 33.
- <sup>52</sup> *Id.*
- <sup>53</sup> *Id.*
- <sup>54</sup> *Id.*

- <sup>55</sup> Bacon Depo. at 354:14–20.
- <sup>56</sup> *Id.* at 362:20–363:15.
- <sup>57</sup> *Id.* at 364:02–367:09.
- <sup>58</sup> *Id.* at 301:1–20.
- <sup>59</sup> *Id.* at 296:20–298:7.
- <sup>60</sup> Deborah Orin & Brian Blomquist, “Pentagon Admits Leaking Tripp’s Personnel Files,” *New York Post*, March 18, 1998, attached as Appendix Exhibit 34.
- <sup>61</sup> Memorandum Opinion at 38, *Alexander v. FBI*, July 10, 1998, attached as Appendix Exhibit 35.
- <sup>62</sup> *Id.*
- <sup>63</sup> Bacon Depo. at 388:2–3, attached as Appendix Exhibit 32.
- <sup>64</sup> *Id.* at 385:6–388:3.
- <sup>65</sup> Bill Sammon, “Tripp Leak Violated Policy at Pentagon,” *The Washington Times*, June 8, 1998, attached as Appendix Exhibit 36.
- <sup>66</sup> Bacon Depo. at 387:7–9, attached as Appendix Exhibit 32.
- <sup>67</sup> Defendant’s Response to Request #3, *Alexander v. FBI* (showing requests by White House personnel for access to FBI background investigation files or summary reports on former Reagan and Bush Administration appointees and employees, the dates requested and the dates returned), attached as Appendix Exhibit 11.
- <sup>68</sup> “Text of Linda Tripp’s Remarks,” *The Washington Post*, July 29, 1998, attached as Appendix Exhibit 37.
- <sup>69</sup> Deposition of Terry Good at 226–27, 257, 273–74, 277, 279, 282–85, June 30, 1998 (“Good Depo.”), attached as Appendix Exhibit 38.
- <sup>70</sup> *Id.* at 273:22–274:13.
- <sup>71</sup> Bill Sammon, “White House Combed Tripp File as Scandal was Breaking,” *The Washington Times*, July 17, 1998, at A10, attached as Appendix Exhibit 39.
- <sup>72</sup> *Id.*
- <sup>73</sup> Good Depo. at 189, 226–27, 257, 265–66, attached as Appendix Exhibit 38.
- <sup>74</sup> *Id.* at 257, 273–74, 277–81, 284–85.
- <sup>75</sup> Peter Baker, “Clinton Told Jones Team He Had No Willey Notes,” *The Washington Post*, March 29, 1998, at A1, attached as Appendix Exhibit 40.
- <sup>76</sup> Press Briefing of Mike McCurry at 6, March 17, 1998, attached as Appendix Exhibit 41.
- <sup>77</sup> Deposition of James Carville at 239:10–240:17, March 16, 1998 (“Carville Depo.”), attached as Appendix Exhibit 42.
- <sup>78</sup> Deposition of Thomas F. McLarty, III at 261:6–262:17, August 5, 1998 (“McLarty Depo.”), attached as Appendix Exhibit 43.
- <sup>79</sup> Excerpt from President Clinton’s Grand Jury Testimony at 8, August 17, 1998, as published by *The Washington Post*, attached as Appendix Exhibit 44.
- <sup>80</sup> *Id.* at 9 (“But, now when ‘60 Minutes’ came with the story and everybody blew it up, I thought we would release it.”).
- <sup>81</sup> *Id.* at 8.
- <sup>82</sup> In January, 1998, Carville publicly “declared war” on Independent Counsel Kenneth Starr. See Transcript of *Meet the Press* at 16, January 25, 1998, attached as Appendix Exhibit 45.
- <sup>83</sup> The Court strongly rebuked Carville and his counsel for their efforts to delay Carville’s deposition, finding that they had tried to mislead the Court: “In light of the entire panoply of facts currently before the court, the only logical conclusion this court can reach is that [Carville’s counsel] and Carville sought to mislead this court from the outset and to delay this deposition. There is simply no other explanation as to why Marsh [of the law firm of McDaniel and Marsh] and Carville have not been completely forthcoming with the court from the outset of this unnecessary travail.” Memorandum and Order at 12–13, *Alexander v. FBI*, March 13, 1998, attached as Appendix Exhibit 46.
- <sup>84</sup> Documents from the files of Carville’s EIP on Starr, Aldrich, Scaife and Sipple, attached collectively as Appendix Exhibit 47.
- <sup>85</sup> *Id.*
- <sup>86</sup> Proposal Outline and EIP’s Next Target: Dan Burton, EIP Memos to Carville, attached as Appendix Exhibit 47.
- <sup>87</sup> Carville Depo. at 194:20–195:14, 256:5–15, attached as Appendix Exhibit 42.
- <sup>88</sup> Deposition of Thomas P. Janenda at 9:10–10:14, 19:14–20:1, 55:21–57:15, 147:6–148:17, 261:16–262:2, April 16, 1998 (“Janenda Depo.”), attached as Appendix Exhibit 48.
- <sup>89</sup> Deposition of Lanny Davis at 28:20–78:8, July 30, 1998 (“Davis Depo.”), attached as Appendix Exhibit 49. Contrary to impressions he provides on television, Mr. Davis remains a close Clinton adviser to this day. Robert G. Kaiser & John F. Harris, “White House Gets Outsiders’ Advice,” *The Washington Post*, September 26, 1998, attached as Appendix Exhibit 50.
- <sup>90</sup> *Id.* at 195:6–197:15.
- <sup>91</sup> *Id.* at 197:16–200:2.
- <sup>92</sup> *Id.* at 200:5–7.
- <sup>93</sup> *Id.* at 216:16–217:8.
- <sup>94</sup> *Id.* at 221:14–16.
- <sup>95</sup> *Id.* at 224:17–225:1.
- <sup>96</sup> *Id.* at 233:19–234:3. Davis later acquired the help of interns to help maintain these files, which were kept in a file drawer and in a gray filing cabinet in his office. *Id.* at 201:22–202:21, 207:19.
- <sup>97</sup> *Id.* at 219:13–221:8–13, 236:2–12, 239:5–11.
- <sup>98</sup> *Id.* at 195:14–16, 221:18–21, 224:20–225:1, 236:5–6.
- <sup>99</sup> *Id.* at 196:7–197:15.
- <sup>100</sup> *Id.* at 196:14–19.
- <sup>101</sup> *Id.* at 256:14–20.

<sup>102</sup> *Id.* at 204:17–206:1, 237:10–238:22. Davis also admitted to disclosing information from Starr's file to persons inside the Clinton White House. *Id.* at 207:1–9.

<sup>103</sup> *Id.* at 241:15–242:3.

<sup>104</sup> Robert G. Kaiser & John F. Harris, "White House Gets Outsiders' Advice," *The Washington Post*, September 26, 1998, attached as Appendix Exhibit 50.

<sup>105</sup> Deposition of Harold Ickes at 386–436, May 21, 1998 ("Ickes Depo."), attached as Appendix Exhibit 51; *Id.* at Exhibit 11.

<sup>106</sup> William Safire, "Unclosed Filegate, On a Burner Too Far Back," *The New York Times*, July 23, 1998 ("Starr has never come to closure. Years passed. . . . Fortunately for the public interest in privacy, an organization called Judicial Watch launched a class-action suit in behalf of people whose files had been unlawfully examined."), attached as Appendix Exhibit 52.

<sup>107</sup> McLarty Depo. at 47:15–19, attached as Appendix Exhibit 43.

<sup>108</sup> Good Depo. at 296–301, 344, attached as Appendix Exhibit 38.

<sup>109</sup> Deposition of Mandy Grunwald at 138, April 23, 1998 ("Grunwald Depo."), attached as Appendix Exhibit 53.

<sup>110</sup> Geraldo Rivera routinely boasts about his "Presidential sources."

<sup>111</sup> The above substantial and credible evidence shows the likely violation of the following federal laws: 5 U.S.C. § 552a (the Privacy Act), 18 U.S.C. § 1503 (obstruction of justice), 18 U.S.C. § 1505 (obstruction of proceedings before departments, agencies, and committees), 18 U.S.C. § 1510 (obstruction of criminal investigation), 18 U.S.C. § 1512 (tampering with a witness, victim, or an informant), 18 U.S.C. § 1513 (retaliating against a witness, victim, or an informant), 18 U.S.C. § 1621 (perjury), 18 U.S.C. § 1622 (subornation of perjury), and 18 U.S.C. § 2071(b) (concealment, removal, or mutilation of public records).

<sup>112</sup> WJC publishes news at its sophisticated Internet site (<http://www.WorldNetDaily.com>).

<sup>113</sup> "Scandals: Misusing the IRS . . .," *New York Post*, February 2, 1997, attached as Appendix Exhibit 54.

<sup>114</sup> "IRS Clears WJC in 'Political' Audit," *WorldNetDaily.com*, June 16, 1997, attached as Appendix Exhibit 55.

<sup>115</sup> *Western Center for Journalism, d.b.a. Western Journalism Center v. Thomas Cederquist, et al.*, No. S-98-0872 (E.D. Cal. filed May 13, 1998), attached as Appendix Exhibit 56. The lawsuit is before the United States District Court in Sacramento, California, near WJC's headquarters in Fair Oaks, California.

<sup>116</sup> Joseph Farah and Sarah Foster, "Just How Political Has IRS Become? At Least 20 Groups Critical of Clinton Targeted," *WorldNetDaily.com*, June 24, 1997, attached as Appendix Exhibit 57.

<sup>117</sup> "Organizations Targeted by IRS," *WorldNetDaily.com*, June 24, 1997, attached as Appendix Exhibit 58.

<sup>118</sup> Rowan Scarborough, "PBS Story on IRS Audits Joins Media Called Not 'Credible,'" *The Washington Times*, January 25, 1997, attached as Appendix Exhibit 59.

<sup>119</sup> Investigation of the White House Travel Office firings and Related Matters, Committee on Government Reform and Oversight, H.R. Rep. No. 104-849, 104th Cong., 2d. Sess. 102–108 (1996) ("H.R. Travel Office Report"), attached as Appendix Exhibit 60.

<sup>120</sup> *Id.* at 28–29, 102–108, attached as Appendix Exhibit 61.

<sup>121</sup> *Id.*

<sup>122</sup> *Id.*

<sup>123</sup> Information Document Request, U.S. Department of the Treasury—IRS, August 16, 1996, attached as Appendix Exhibit 62.

<sup>124</sup> Joseph Farah, "The White House Plays Politics With the IRS," *The Wall Street Journal*, October 22, 1996, attached as Appendix Exhibit 63.

<sup>125</sup> Jane Sherburne, "Task List," December 13, 1994, republished in H.R. Travel Office Report at 759–71, attached as Appendix Exhibit 64.

<sup>126</sup> *Id.* at 765.

<sup>127</sup> John F. Harris & Peter Baker, "White House Memo Asserts a Scandal Theory," *The Washington Post*, January 10, 1997, at A1, attached as Appendix Exhibit 65.

<sup>128</sup> Overview, attached as Appendix Exhibit 66.

<sup>129</sup> Sarah Foster, "IRS 'Political' Audit Kills Journal," *WorldNetDaily.com*, July 21, 1997, attached as Appendix Exhibit 67.

<sup>130</sup> The above substantial and credible evidence shows the likely violation of the following federal laws: 26 U.S.C. § 7212 (attempts to interfere with administration of internal revenue laws), 18 U.S.C. § 1512 (tampering with a witness, victim, or an informant), and 18 U.S.C. § 1513 (retaliating against a witness, victim, or an informant).

<sup>131</sup> Affidavit of Nolanda Butler Hill ("Hill Affidavit") at para. 7, January 17, 1998, attached as Appendix Exhibit 68.

<sup>132</sup> Transcript of Evidentiary Hearing at 66–67, 76, *Judicial Watch, Inc. v. U.S. Department of Commerce*, No. 95–0133 (D.D.C. March 23, 1998) ("March 23, 1998 Hearing"), attached as Appendix Exhibit 69.

<sup>133</sup> Commerce trade missions and so-called "business development conferences" included trips in 1993 to Tokyo, Saudi Arabia, France, Venezuela, South Africa, Mexico, and Russia. In 1994, they included trips to the Middle East, Russia (two trips), Poland, South Africa, Latin America, China, Indonesia, Northern Ireland and Ireland, and Belgium. In 1995, they included trips to India, the Middle East, Belgium, Spain, China, Latin America, Senegal, France (two trips), Switzerland, the Netherlands, Germany, the Middle East, Spain, Ireland, South Africa, Bosnia and Croatia, and Brazil, Argentina, and Chile.

<sup>134</sup> Susan B. Garland, "Clinton Cozies Up to Business—Corporate Gifts to the DNC Have Reached Unprecedented Levels," *Business Week*, September 12, 1994; Helene Cooper & Rick Wartzman, "Traveling Pals—How Ron Brown Picks Who Joins His Trips Abroad Raises Doubts—Commerce Chief Takes Along Many Big Contributors to Democratic Groups," *The Wall Street Journal*, September 9, 1994, attached collectively as Appendix Exhibit 70.

<sup>135</sup> Complaint for Declaratory and Injunctive Relief, *Judicial Watch, Inc. v. U.S. Department of Commerce*, No. 95-0133 (D.D.C. filed January 19, 1995) ("*Judicial Watch v. Commerce*"), attached as Appendix Exhibit 85.

<sup>136</sup> Chronology: A History of Clinton Administration Obstruction in the Continuing Suit Which Uncovered John Huang, the Unauthorized Removal of Classified Satellite Encryptions and CIA Reports from the Commerce Department, and Caused the Chinagate Scandal at 23-24, *Judicial Watch v. Commerce*, May 26, 1998, attached as Appendix Exhibit 71.

<sup>137</sup> "The Managing Trustee Program" and "Memorandum from Martha Phipps to Ann Cahill Re: White House Activities," May 5, 1994, collectively attached as Appendix Exhibit 72.

<sup>138</sup> "DNC Managing Trustee Events & Member Requirements," attached as Appendix Exhibit 73, see also Byron York, "The Alexis Nexis," *The American Spectator*, March 1997, attached as Appendix Exhibit 74.

<sup>139</sup> DNC "Minority Donors List," attached as Appendix Exhibit 75.

<sup>140</sup> Clinton Commerce Department Office of Business Liaison Memos (from Sally Painter to Melissa Moss), attached collectively as Appendix Exhibit 76.

<sup>141</sup> "Memorandum from Eric Silden Re: Trade Mission to Russia," January 13, 1994, attached as Appendix Exhibit 77.

<sup>142</sup> On Friday, September 25, 1998, the Court ordered that motions for orders to show cause be issued and served on Leon Panetta, John Podesta, and others. Recently, on September 11, 1998, the Court also ordered discovery of the DNC and Messrs. Rosen and McAuliffe, among others.

<sup>143</sup> Defendant's Memorandum of Points and Authorities in Support of Motion for a Protective Order at 2-3, *Judicial Watch v. Commerce*, April 9, 1997, attached as Appendix Exhibit 78.

<sup>144</sup> Huang lied about most of these issues in his Judicial Watch deposition and would normally have faced prosecution for perjury, but for Janet Reno's Justice Department. The Clinton Justice Department has not even questioned Huang. Judicial Watch will seek accountability for perjury by Huang in its lawsuit. See "John Huang: In His Own Words," *Fox News*, October 24, 1997, attached as Appendix Exhibit 79.

<sup>145</sup> Noland Hill would later tell reporter and Judicial Watch adviser Andy Thibault that "[t]he waiver signature and the [Wang Jun] meeting with Ron [Brown] happening the same day was significant—it was no coincidence. Ron [Brown] assured Clinton he had taken care of Charlie Trie's people. That is the real story." See Andy Thibault, "What Ron Brown Said About the Chinese" at 2, NewsMax.com, September 23, 1998, attached as Appendix Exhibit 80.

<sup>146</sup> Secretary Brown himself was scheduled to testify in the Judicial Watch lawsuit but was killed in Croatia April 3, 1996, before he could do so.

<sup>147</sup> March 23, 1998 Hearing at 55-56, attached as Appendix Exhibit 69.

<sup>148</sup> Hill Affidavit at para. 7, attached as Appendix Exhibit 68.

<sup>149</sup> March 23, 1998 Hearing at 58, attached as Appendix Exhibit 69.

<sup>150</sup> *Id.*

<sup>151</sup> *Id.* at 60-61.

<sup>152</sup> *Id.* at 76.

<sup>153</sup> *Id.* at 63.

<sup>154</sup> *Id.* at 66-67.

<sup>155</sup> *Id.* at 68-69.

<sup>156</sup> *Id.* at 99-100.

<sup>157</sup> Hill Affidavit at para. 11, attached as Appendix Exhibit 68.

<sup>158</sup> March 23, 1998 Hearing at 61, attached as Appendix Exhibit 69.

<sup>159</sup> *Id.*

<sup>160</sup> "DNC Managing Trustee Events & Member Requirements," attached as Appendix Exhibit 73; see also Byron York, "The Alexis Nexis," *The American Spectator*, March 1997, attached as Appendix Exhibit 74.

<sup>161</sup> "The Managing Trustee Program" and "Memorandum from Martha Phipps to Ann Cahill Re: White House Activities," May 5, 1994, attached collectively as Appendix Exhibit 72.

<sup>162</sup> *Id.*

<sup>163</sup> DNC "Minority Donors List," attached as Appendix Exhibit 75.

<sup>164</sup> "Memorandum from Eric Silden Re: Trade Mission to Russia," January 13, 1994, attached as Appendix Exhibit 77.

<sup>165</sup> "Tripping With the Secretary: Ron Brown's Foreign Trade Missions," The Center for Public Integrity Web Site, attached as Appendix Exhibit 81.

<sup>166</sup> Judicial Watch filed a third FOIA request on October 19, 1994, attached as Appendix Exhibit 82.

<sup>167</sup> Judicial Watch letter to Melissa Moss, October 19, 1994, attached as Appendix Exhibit 83.

<sup>168</sup> *Id.*

<sup>169</sup> *Id.*; Melissa Moss letter to Judicial Watch, October 19, 1994, attached as Appendix Exhibit 84.

<sup>170</sup> Judicial Watch letter to Melissa Moss, October 19, 1994, attached as Appendix Exhibit 83.

<sup>171</sup> March 23, 1998 Hearing at 114, attached as Appendix Exhibit 69.

<sup>172</sup> Complaint for Declaratory and Injunctive Relief, *Judicial Watch v. Commerce*, January 19, 1995, attached as Appendix Exhibit 85.

<sup>173</sup> Department of Commerce letter to Judicial Watch, April 4, 1995, attached as Appendix Exhibit 86.

<sup>174</sup> Order, *Judicial Watch v. Commerce*, May 16, 1995, attached as Exhibit 87.

<sup>175</sup> Communications from the Clinton White House to the DNC concerning the sale of seats on trades missions were later found in the files of former White House Chief of Staff Harold Ickes, as well as in the files of Alexis Herman, now the Secretary of Labor. See "The Managing Trustee Program" and "Memorandum from Martha Phipps to Ann Cahill Re: White House Activities," May 5, 1994, attached collectively as Appendix Exhibit 72.

<sup>176</sup> A *Vaughn* index essentially is an inventory of documents that the government has identified as being responsive to a FOIA request, but which the government claims are exempt from production under FOIA. In a proper *Vaughn* index, the government should provide the author, date and subject of an exempt document, along with other identifying information, and the reason why the document is being withheld. The purpose of a *Vaughn* index is to provide a Court with enough information about a document to determine whether it is properly being withheld.

<sup>177</sup> Memorandum and Order at 2, *Judicial Watch v. Commerce*, February 1, 1996, attached as Appendix Exhibit 88.

<sup>178</sup> *Id.* at 6, 8–9.

<sup>179</sup> Memorandum Opinion at 39, *Judicial Watch v. Commerce*, September 5, 1996, attached as Appendix Exhibit 89.

<sup>180</sup> *Id.* at 2–3.

<sup>181</sup> Hill Affidavit at paras. 8, 10, attached as Appendix Exhibit 68.

<sup>182</sup> Complaint at para. 9, *Judicial Watch v. Commerce*, January 19, 1995, attached as Appendix Exhibit 85.

<sup>183</sup> Excerpts of Weekly Reports from Commerce Secretary Ron Brown to White House Chief of Staff Leon Panetta, attached as Appendix Exhibit 90; see also March 23, 1998 Hearing at 78–79, attached as Appendix Exhibit 69.

<sup>184</sup> Hill Affidavit at para. 9, attached as Appendix Exhibit 68.

<sup>185</sup> March 23, 1998 Hearing at 88, attached as Appendix Exhibit 69.

<sup>186</sup> Excerpts of Weekly Reports from Commerce Secretary Ron Brown to White House Chief of Staff Leon Panetta, attached as Appendix Exhibit 90; see also March 23, 1998 Hearing at 78–79, attached as Appendix Exhibit 69.

<sup>187</sup> March 23, 1998 Hearing at 85–86, attached as Appendix Exhibit 69.

<sup>188</sup> Ironically, *Judicial Watch* had been scheduled to depose Secretary Brown the week of his Croatia trip. It was postponed at his request.

<sup>189</sup> *Id.* at 100–101.

<sup>190</sup> Declaration of Ronald H. Brown, March 14, 1996, attached as Appendix Exhibit 91.

<sup>191</sup> Transcript of Motions Hearing at 40–41, August 7, 1996, attached as Appendix Exhibit 92.

<sup>192</sup> March 23, 1998 Hearing at 38, 41, 61, attached as Appendix Exhibit 69; Hill Affidavit at para. 11, attached as Appendix Exhibit 68.

<sup>193</sup> March 23, 1998 Hearing at 41, attached as Appendix Exhibit 69.

<sup>194</sup> *Judicial Watch* depositions confirmed that documents from Secretary Brown's office were shredded by his assistants after his death. Videotaped Deposition of Barbara Schmitz at 11:02–11:03 a.m., October 9, 1996 (“Schmitz Depo.”); Videotaped Deposition of Melanie Long at 3:54 p.m., October 10, 1996 (“Long Depo.”); see also “Shredding Tears,” *The American Spectator*, June 1996, attached as Appendix

<sup>195</sup> March 23, 1998 Hearing at 93–94, attached as Appendix Exhibit 69.

<sup>196</sup> *Id.* at 38–41, 61; Hill Affidavit at para. 11, attached as Appendix Exhibit 68.

<sup>197</sup> Declaration of Anthony Das at para. 3, March 10, 1995, attached as Appendix Exhibit 94.

<sup>198</sup> Deposition of Anthony A. Das at 17–19, March 27, 1996 (“Des Depo. I”), attached as Appendix

<sup>199</sup> *Id.* at 31–32, attached as Appendix Exhibit 96; Deposition of Anthony A. Das at 41, 43, 46–47, October 9, 1996 (“Des Depo. II”), attached as Appendix Exhibit 97.

<sup>200</sup> Das Depo. II, at 43, attached as Appendix Exhibit 98.

<sup>201</sup> Transcript of Motions Hearing at 38–39, *Judicial Watch v. Commerce*, August 7, 1996, attached as Appendix Exhibit 99.

<sup>202</sup> Declarations of Mary Ann McFate, April 6, 1995, June 6, 1995, June 7, 1995, July 17, 1995, March 29, 1996, August 23, 1996, October 17, 1996, November 13, 1996, March 5, 1997, and July 23, 1998, attached collectively as Appendix Exhibit 100.

<sup>203</sup> Deposition of Mary Ann McFate at 52, 59–60, October 15, 1996 (“McFate Depo.”), attached as Appendix Exhibit 101.

<sup>204</sup> *Id.*

<sup>205</sup> Some of the persons, such as Ms. McFate, participating in the false declarations and other obstruction, recently received \$10,000 cash awards from the Clinton Administration. Plaintiff's Praecipe, *Judicial Watch v. Commerce*, March 23, 1998, attached as Appendix Exhibit 102.

<sup>206</sup> Hill Affidavit at para. 11, attached as Appendix Exhibit 68.

<sup>207</sup> March 23, 1998 Hearing at 36, attached as Appendix Exhibit 69.

<sup>208</sup> Affidavit of Robert G. Adkins at para. 3, January 28, 1997, attached as Appendix Exhibit 103.

<sup>209</sup> Schmitz Depo. at 11:02–11:03 a.m.; Long Depo. at 3:54 p.m.; see also “Shredding Tears,” *The American Spectator*, June 1996, attached as Appendix Exhibit 93.

<sup>210</sup> Videotaped Deposition of Dalia Traynham at 3:01–3:07 p.m., November 26, 1996 (“Traynham Depo.”).

<sup>211</sup> Transcript of Status Call at 38–39, *Judicial Watch v. Commerce*, October 18, 1996, attached as Appendix Exhibit 104.

<sup>212</sup> See, e.g., Videotaped Deposition of Laurie Fitz-Pegado at 16:11 p.m., July 18, 1997 (“Fitz-Pegado Depo.”); Videotaped Deposition of James Hackney at 11:18–11:19 a.m., January 21, 1997 (“Hackney Depo.”); Deposition of John Huang at 199–200, October 29, 1996 (“Huang Depo.”), attached as Appendix Exhibit 105; Videotaped Deposition of Melissa Moss at 4:59 p.m., October 10, 1996 (“Moss Depo.”); Deposition of Melinda Yee at 289–91, December 2, 1996 (“Yee Depo.”), attached as Appendix Exhibit 106.

<sup>213</sup> Yee Depo. at 144–46, attached as Appendix Exhibit 106.

<sup>214</sup> *Id.* at 154–55, 58.

<sup>215</sup> *Id.* at 108–12.

<sup>216</sup> See Videotaped Deposition of David Rothkopf at 3:57–4:01 p.m., April 1, 1997 (“Rothkopf Depo.”).

<sup>217</sup> Yee Depo. at 154–55, attached as Appendix Exhibit 106.



- <sup>218</sup> *Id.* at 206–11, 225–26.  
<sup>219</sup> *Id.* at 144–46, 154–55, 160, 208–12.  
<sup>220</sup> George Archibald, *Id.* at 160–61, 168–71, 208–09, 212, attached as Appendix Exhibit 106; see also “Papers on Fund Raising Trashed, Note Taker Says,” *The Washington Times*, December 6, 1996; “The Tangled Web, Continued,” *The Washington Times*, December 17, 1996; and “Brown’s Papers: The Chase Goes On,” *Investor’s Business Daily*, January 30, 1997, attached collectively as Appendix Exhibit 107.  
<sup>221</sup> Memorandum and Order at 2, *Judicial Watch v. Commerce*, August 30, 1996, attached as Appendix Exhibit 108.  
<sup>222</sup> Yee Depo. at 84–95, 141–44, 160–61, attached as Appendix Exhibit 106.  
<sup>223</sup> *Id.* at 305–07; see also George Archibald, “Papers on Fund Raising Trashed, Note Taker says,” *The Washington Times*, December 6, 1996, attached as Appendix Exhibit 107.  
<sup>224</sup> Yee Depo. at 307–10, attached as Appendix Exhibit 106.  
<sup>225</sup> Lesia Thornton’s “Notes to File,” attached as Appendix Exhibit 109.  
<sup>226</sup> *Id.* at entry dated 10/20/94, 2:15 p.m.  
<sup>227</sup> *Id.*  
<sup>228</sup> Videotaped Deposition of John Ost :08–11:10 a.m., May 30, 1997 (“Ost Depo.”); see also Brian Blomquist, “DNC Sought Trips for Big Donors: Ex-Commerce Aide,” *New York Post*, June 28, 1997; and Jerry Seper, “Ex-Commerce Official Testifies DNC Sent Trip-for-Donations List—Backs Key Part of Public Interest Firm Judicial Watch’s Suit,” *The Washington Times*, July 1, 1997, attached collectively as Appendix Exhibit 110.  
<sup>229</sup> Ost Depo. at 11:08–11:10 a.m.  
<sup>230</sup> DNC “Minority Donors List,” attached as Appendix Exhibit 75.  
<sup>231</sup> Jerry Seper, “Commerce Kept List of DNC Donors—Aide Backtracks on Department’s Denials,” *The Washington Times*, May 31, 1997; Associated Press, “Donors List at Commerce Called ‘Personal Document,’” *The Washington Post*, June 1, 1997; Jerry Seper, “Commerce Admits Keeping List of Donors,” *The Washington Times*, June 15, 1997, attached collectively as Appendix Exhibit 111.  
<sup>232</sup> Whatley Depo. at 11:36 a.m.; Kearny Depo. at 1:36–1:46 p.m.  
<sup>233</sup> Associated Press, “Commerce Says List of Donors a Mystery,” *The Times-Picayune*, June 1, 1997, attached as Appendix Exhibit 112.  
<sup>234</sup> Traynham Depo. at 2:30–2:31, 2:36–2:37, 2:50–2:52 p.m.  
<sup>235</sup> Transcript of Status Call at 27, *Judicial Watch v. Commerce*, June 27, 1997, attached as Appendix Exhibit 113.  
<sup>236</sup> Rothkopf Depo. at 11:06–11:13 a.m.  
<sup>237</sup> Moss Depo. at 2:41–2:52 p.m.  
<sup>238</sup> Hill Affidavit at para. 13, attached as Appendix Exhibit 68.  
<sup>239</sup> March 23, 1998 Hearing at 40–42, attached as Appendix Exhibit 69.  
<sup>240</sup> March 23, 1998 Hearing at 108–09, attached as Appendix Exhibit 69.  
<sup>241</sup> Ms. Hill confirmed the familiarity of Ms. Moss to the President. *Id.* at 113. She was also photographed by the press hugging the President at Secretary Brown’s funeral.  
<sup>242</sup> Letters and Memoranda from Clinton Commerce Department files, attached collectively as Appendix Exhibit 114.  
<sup>243</sup> *Id.*  
<sup>244</sup> Bob Woodward, “Findings Link Clinton Allies to Chinese Intelligence,” *The Washington Post*, February 10, 1998 (Senate Governmental Affairs Committee “has ‘unverified information’ that Huang, the former Lippo [Group] executive and Democratic fund-raiser, may have a direct financial relationship with the Chinese [Government.]”), attached as Appendix Exhibit 115.  
<sup>245</sup> Huang Depo. at 163–64, 172–73, attached as Appendix Exhibit 105.  
<sup>246</sup> *Id.* at 177–79, 194–99, 209–19.  
<sup>247</sup> Huang Chronology at 3–10, attached as Appendix Exhibit 116; Associated Press, “Huang’s Access to Secrets Was Underestimated—Actions at Commerce, Calls to Lippo Compared,” *The Washington Post*, April 30, 1997; see also James Bennet, “For Democrats, All Kinds of Answers,” *The New York Times*, December 30, 1996, attached collectively as Appendix Exhibit 117.  
<sup>248</sup> Huang Depo. at 177–78, attached as Appendix Exhibit 105.  
<sup>249</sup> Associated Press, “Huang’s Access to Secrets Was Underestimated—Actions at Commerce, Calls to Lippo Compared,” *The Washington Post*, April 30, 1997 (“The [Clinton Commerce] [Department] has identified 109 meetings in 1994 and 1995 attended by Huang and at which classified information ‘might have been discussed. . . .’”), attached as Appendix Exhibit 117.  
<sup>250</sup> Huang Depo. at 182–92, attached as Appendix Exhibit 105.  
<sup>251</sup> *Id.* at 182–83, 190–92.  
<sup>252</sup> *Id.*  
<sup>253</sup> James Bennet, “For Democrats, All Kinds of Answers,” *The New York Times*, December 30, 1996, attached as Appendix Exhibit 117.  
<sup>254</sup> Videotaped Deposition of Janice Stewart at 10:59–11:00 a.m., March 19, 1997, (“Stewart Depo.”).  
<sup>255</sup> Plaintiffs Motion to Compel Attorney General Janet Reno to Obey a Subpoena for the Diaries of John Huang, Motion to Shorten Time to Respond, and Request for a Status Conference, *Judicial Watch v. Commerce*, July 21, 1997, attached as Appendix Exhibit 118; see also Plaintiffs Reply to Opposition of Department of Justice to Plaintiffs Motion to Compel and Request for Expedited Oral Argument, *Judicial Watch v. Commerce*, August 5, 1997, attached collectively as Appendix Exhibit 119.  
<sup>256</sup> Judicial Watch Chairman and General Counsel Larry Klayman accused the Justice Department of leaking Hill’s sealed affidavit and then retaliating against her. Assistant U.S. Attorney Bruce Heygi has yet to deny leaking the Hill affidavit to “Main” Justice. See Judicial Watch’s Request, Memorandum, and Rule 108 Certification Concerning Expedited In Camera Conference on Newly Discovered Documents Bearing on Obstruction of Justice, *Judicial Watch v. Commerce*, September 9, 1998, attached as Appendix Exhibit 120.

- <sup>257</sup> Hill Affidavit at para. 14, attached as Appendix Exhibit 68.
- <sup>258</sup> Chronology: A History of Clinton Administration Obstruction in the Continuing Suit which Uncovered John Huang, the Unauthorized Removal of Classified Satellite Encryptions and CIA Reports from the Commerce Department, and Caused the Chinagate Scandal at 23–24, *Judicial Watch v. Commerce*, May 26, 1998, attached as Appendix Exhibit 71.
- <sup>259</sup> *Id.*
- <sup>260</sup> *Id.*
- <sup>261</sup> *Id.*
- <sup>262</sup> *Id.*
- <sup>263</sup> Transcript of Arraignment at 7–8, March 20, 1998, attached as Appendix Exhibit 121.
- <sup>264</sup> Videotaped Deposition of Christine Sopko at 10:20 a.m., July 2, 1997 (“Sopko Depo.”).
- <sup>265</sup> Sopko Depo. at 10:20 a.m.; see also Supplemental Notice to the Court, *Judicial Watch v. Commerce*, July 3, 1997 (noting that Sopko advised the Clinton Justice Department of the minority donors list as early as April 1, 1997), attached as Appendix Exhibit 122.
- <sup>266</sup> *Id.*
- <sup>267</sup> Transcript of Hearing at 8, *Judicial Watch v. Commerce*, April 4, 1997.
- <sup>268</sup> *Id.* at 8.
- <sup>269</sup> *Id.* at 8–9.
- <sup>270</sup> *Id.* at 11–14.
- <sup>271</sup> [Un]Sealed Praecept Concerning Events Immediately Following Sealed Court Session of Evening of April 4, 1997, *Judicial Watch v. Commerce*, April 7, 1997.
- <sup>272</sup> *Id.*; see also D.C. Rules of Professional Conduct, Rule 8.4(g) (November 1996) (“It is professional misconduct for a lawyer to . . . seek or threaten to seek criminal charges or disciplinary charges solely to obtain an advantage in a civil matter.”); Plaintiffs Opposition to Motion for Order to Show Cause Why Judicial Watch, Inc. and Larry Klayman Should Not Be Held in Contempt and Cross-motion for Attorneys Fees, Costs, and Other Such Relief the Court Deems Appropriate, *Judicial Watch v. Commerce*, June 17, 1997.
- <sup>273</sup> Order, *Judicial Watch v. Commerce*, June 27, 1997, attached as Appendix Exhibit 123.
- <sup>274</sup> March 23, 1998 Hearing at 84–85, attached as Appendix Exhibit 69.
- <sup>275</sup> *Id.* at 100–01.
- <sup>276</sup> Deposition of Barbara Fredericks at 143–44, 165–66, January 3, 1997 (“Fredericks Depo.”), attached as Appendix Exhibit 124; Videotaped Deposition of Gordon Fields at 1:44–1:47 p.m., April 2, 1997 (“Fields Depo.”); Videotaped Deposition of Judith Means at 10:35 a.m., 10:41–10:42 a.m., January 6, 1997 (“Means Depo.”); Videotaped Deposition of Elise Packard at 10:38 a.m., January 9, 1997 (“Packard Depo.”).
- <sup>277</sup> March 23, 1998 Hearing at 93–94, attached as Appendix Exhibit 69; Declaration of Ronald H. Brown, March 14, 1996, attached as Appendix Exhibit 91.
- <sup>278</sup> *Id.*
- <sup>279</sup> Declaration of Ronald H. Brown, March 14, 1996, attached as Appendix Exhibit 91.
- <sup>280</sup> Hill Affidavit at para. 11, attached as Appendix Exhibit 68; March 23, 1998 Hearing at 38–41, 61, attached as Appendix Exhibit 69.
- <sup>281</sup> Lesia Thornton Memo, attached as Appendix Exhibit 109.
- <sup>282</sup> Means Depo. at 2:13 p.m.
- <sup>283</sup> Ost Depo. at 11:07–11:17 a.m.
- <sup>284</sup> Means Depo. at 11:28 a.m.
- <sup>285</sup> *Id.*
- <sup>286</sup> Plaintiffs Request for a Status Conference During Week of June 9, 1997 or as Soon Thereafter as Possible, *Judicial Watch v. Commerce*, June 4, 1997, attached as Appendix Exhibit 125.
- <sup>287</sup> Sopko Depo. at 10:20–21 a.m.
- <sup>288</sup> *Id.*
- <sup>289</sup> Fredericks Depo. at 108, 188–98, 204–07, attached as Appendix Exhibit 124; Means Depo. at 12:10 p.m.
- <sup>290</sup> Schmitz Depo. at 3:01–3:07 p.m.
- <sup>291</sup> Yee Depo. at 160, attached as Appendix Exhibit 106.
- <sup>292</sup> Videotaped Deposition of Ira Sockowitz at 5:01–5:14 p.m., October 28, 1996 (“Sockowitz Depo.”); Fields Depo. at 2:31–32 p.m.
- <sup>293</sup> Videotaped Deposition of Andrea Torczon at 11:33 a.m., July 1, 1997 (“Torczon Depo.”).
- <sup>294</sup> *Id.* at 11:01 a.m.
- <sup>295</sup> Videotaped Deposition of Ginger Lew at 4:08–4:09 p.m., March 12, 1998 (“Lew Depo.”).
- <sup>296</sup> Transcript of Status Call at 108, *Judicial Watch v. Commerce*, June 27, 1997, attached as Appendix Exhibit 126.
- <sup>297</sup> *Id.* at 86.
- <sup>298</sup> Indeed, while at a previous post at the Carter State Department, Ms. Lew, who was born in China, recommended the removal of diplomatic recognition for Taiwan, a position that President Carter later embraced. This provoked the ire of Senator Jesse Helms and others.
- <sup>299</sup> Memorandum and Order at 2, *Judicial Watch v. Commerce*, February 1, 1996, attached as Appendix Exhibit 88.
- <sup>300</sup> Fields Depo. at 2:14 p.m.
- <sup>301</sup> March 23, 1998 Hearing at 8, attached as Appendix Exhibit 69.
- <sup>302</sup> Paul Sperry, “How Honest is Justice’s Probe?—DOJ Lawyers Have Ties to Fund-Raiser Huang,” *Investor’s Business Daily*, February 24, 1997; see also Paul Sperry, “Is Fund-Raising Probe Tainted—Reno’s Tactics Look Suspicious: Ex-Prosecutors,” *Investor’s Business Daily*, April 15, 1997; “Vacuum at Justice,” *The Wall Street Journal*, April 30, 1997; and “The Holder Hearing,” *The Wall Street Journal*, June 12, 1997, attached collectively as Appendix Exhibit 127.
- <sup>303</sup> Holder admitted that Secretary Brown recommended him for U.S. Attorney. “Vacuum at Justice,” *The Wall Street Journal*, June 12, 1997, attached as part of collective Appendix Exhibit 127.

<sup>304</sup> Holder reportedly also has been offered a federal judgeship, perhaps even the next Supreme Court appointment.

<sup>305</sup> Transcript from NBC's "Meet the Press" Interview with Deputy Attorney General Holder at 4, May 24, 1998, attached as Appendix Exhibit 128.

<sup>306</sup> Defendant's Reply to Plaintiffs Opposition to Defendant's Motion for Referral of Cause to a District Judge or Magistrate Judge for Mediation at 4, *Judicial Watch v. Commerce*, April 28, 1997, attached as Appendix Exhibit 129.

<sup>307</sup> "The 99% Cover-Up," *Investor's Business Daily*, August 24, 1998, attached as Appendix Exhibit 130.

<sup>308</sup> Roberto Suro, "Reno Concedes Problems in Funds Probe," *The Washington Post*, October 16, 1997, attached as Appendix Exhibit 131.

<sup>309</sup> Stewart Depo. at 2:25 p.m.

<sup>310</sup> Lew Depo. at 4:29-4:32.

<sup>311</sup> Judicial Watch Deponents Questioned by FBI or Department of Justice, attached as Appendix Exhibit 132.

<sup>312</sup> Memorandum and Order, *Judicial Watch v. Commerce*, February 1, 1996; Order, *Judicial Watch v. Commerce*, March 21, 1996, attached collectively as Appendix Exhibit 133.

<sup>313</sup> Das Depo. I at 49-54, attached as Appendix Exhibit 96.

<sup>314</sup> Transcript of Motions Hearing at 54-57, *Judicial Watch v. Commerce*, August 7, 1996, attached as Appendix Exhibit 134.

<sup>315</sup> Toni Locy, "Commerce Penalized for Lawyer's Actions," *The Washington Post*, August 8, 1996, attached as Appendix Exhibit 135.

<sup>316</sup> Das Depo. I at 40-41, attached as Appendix Exhibit 96.

<sup>317</sup> Transcript of Status Call at 38, *Judicial Watch v. Commerce*, June 27, 1997, attached as Appendix Exhibit 136.

<sup>318</sup> Memorandum and Order at 3, *Judicial Watch v. Commerce*, February 13, 1997; see also George Archibald, "Judge Rebukes Government Lawyer—Blasts Effort to Prevent Questioning of Commerce Official," *The Washington Times*, February 4, 1997, attached collectively as Appendix Exhibit 137.

<sup>319</sup> Associated Press, "Huang's Access to Secrets Was Underestimated—Actions at Commerce, Calls to Lippo Compared," *The Washington Post*, April 30, 1997, attached as Appendix Exhibit 117.

<sup>320</sup> Defendant's Notice of Discharge of Obligation Pursuant to Its Representation at December 6, 1996 Status Conference, *Judicial Watch v. Commerce*, December 8, 1996, attached as Appendix Exhibit 138.

<sup>321</sup> Videotaped Deposition of Dawn Evans Cromer at 11:36-11:40 a.m., June 20, 1997 ("Cromer Depo."); Videotaped Deposition of Carola McGiffert at 2:58-3:05 p.m., April 3, 1997 ("McGiffert Depo.").

<sup>322</sup> DNC "Minority Donors List," attached as Appendix Exhibit 75. See also Jerry Seper, "Commerce Kept List of DNC Donors—Aide Backtracks on Department's Denials," *The Washington Times*, May 31, 1997; Associated Press, "Donors List at Commerce Called 'Personal Document'," *The Washington Post*, June 1, 1997; and Jerry Seper, "Commerce Admits Keeping List of Donors," *The Washington Times*, June 15, 1997, attached collectively as Appendix Exhibit 111.

<sup>323</sup> "Orrin Hatch's Matador D," *The Wall Street Journal*, June 18, 1997, attached as Appendix Exhibit 139.

<sup>324</sup> Donald Fowler Memorandum to Members of the Cabinet (with handwritten note "Janet, Happy New Year") from the files of Attorney General Reno, December 31, 1995, attached as Appendix Exhibit 140.

<sup>325</sup> See, e.g., Bob Woodward, "Findings Link Clinton Allies to Chinese Intelligence," *The Washington Post*, February 10, 1998 (Senate Governmental Affairs Committee "has 'unverified information' that Huang, the former Lippo [Group] executive and Democratic fund-raiser, may have a direct financial relationship with the Chinese [Government]."), attached as Appendix Exhibit 115; see also "Campaign Finance Key Player: John Huang," *The Washington Post* (<http://www.washingtonpost.com>) ("Investigators are also exploring whether Huang may have served as an 'agent of influence' of the People's Republic of China, perhaps funneling money from Beijing into American political campaigns."), attached collectively as Appendix Exhibit 141.

<sup>326</sup> Huang has been described as "the star witness [the Senate Governmental Affairs Committee] ha[s] been looking for." See Judi Hasson & Judy Keen, "China Meddling, Panel Told," *USA Today*, July 9, 1997, attached as Appendix Exhibit 142.

<sup>327</sup> See John Fund, "The Department of Political Favors," *The Wall Street Journal*, October 29, 1996. As previously discussed, the Clinton Commerce Department has consistently attempted to thwart Judicial Watch's efforts to conduct discovery on these matters. Consistent with its "scorched earth" policy against all who confront the Administration with its unlawful and/or unethical conduct, the Commerce Department went so far as to issue a false, misleading, and defamatory press release on November 1, 1996, just days after the October 29, 1996 deposition of John Huang. It was also the eve of the 1996 presidential election. The official press release claimed that John Huang "had absolutely nothing to do with the [Judicial Watch] FOIA matter," and denounced Judicial Watch's lawsuit as "reckless" and "unsubstantiated."<sup>(328)</sup>

<sup>328</sup> Transcript of Status Call at 25-31, *Judicial Watch v. Commerce*, October 25, 1996, attached as Appendix Exhibit 144.

<sup>329</sup> March 23, 1998 Hearing at 70, attached as Appendix Exhibit 69.

<sup>330</sup> See, e.g., Alan Miller & Glen Bunting, "Huang Said 'Top Priority' for Cabinet Job," *Los Angeles Times*, July 15, 1997; Robert D. Novak, "John Huang Delivers," *The Washington Post*, October 31, 1996 ("A clue to why Bill Clinton and the Democratic Party received heavy contributions from Indonesia's billionaire Ready family: its successful campaign in 1993 to block the presidential appointment of an unfriendly banking regulator."); attached collectively as Appendix Exhibit 145.

<sup>331</sup> Bob Woodward, "Findings Link Clinton Allies to Chinese Intelligence," *The Washington Post*, February 10, 1998, attached as Appendix Exhibit 115.

<sup>332</sup> Alan Miller & Glenn Bunting, "Huang Said 'Top Priority' for Cabinet Job," *Los Angeles Times*, July 15, 1997, attached as Appendix Exhibit 145.

<sup>333</sup> Huang Depo. at 177-79, 194-99, 209-19, attached as Appendix Exhibit 105; 1995 Calendar of John Huang, attached as Appendix Exhibit 146.

<sup>334</sup> Huang Chronology at 3-10, attached as Appendix Exhibit 116; "Huang's Access to Secrets Was Underestimated—Actions at Commerce, Calls to Lippo Compared," *The Washington Post*, April 30, 1997; "For Democrats, All Kinds of Answers," *The New York Times*, December 30, 1996, attached collectively as Appendix Exhibit 117.

<sup>335</sup> Jerry Seper, "Huang Given Top-Secret Clearance After Move to DNC," *The Washington Times*, February 9, 1997, attached as Appendix Exhibit 147.

<sup>336</sup> Huang Depo. at 177-78, attached as Appendix Exhibit 105.

<sup>337</sup> Associated Press, "Huang's Access to Secrets Was Underestimated—Actions at Commerce, Calls to Lippo Compared," *The Washington Post*, April 30, 1997 ("The [Clinton Commerce] Department has identified 109 meetings in 1994 and 1995 attended by Huang and at which classified information 'might have been discussed.'"), attached as Appendix Exhibit 117.

<sup>338</sup> "Huang Used Office Across Street," *USA Today*, July 18, 1997, attached as Appendix Exhibit 148.

<sup>339</sup> *Id.*; see also Edward Walsh & Anne Farns, "Panel Hears of Huang's Frequent Visits to Firm," *The Washington Post*, July 18, 1997 ("[Huang] also sometimes picked up letter-sized 'packages' that were delivered to him there, [Greene] said"), attached as Appendix Exhibit 149.

<sup>340</sup> Jerry Seper, "Huang Given Top-Secret Clearance After Move to DNC," *The Washington Times*, February 9, 1997, attached as Appendix Exhibit 147.

<sup>341</sup> *Id.* (emphasis added.)

<sup>342</sup> John Solomon, "Congressman Accuses Huang of Passing Secrets to Ex-employer," *USA Today*, June 13-15, 1997, attached as Appendix Exhibit 150.

<sup>343</sup> See, e.g., Brian Blomquist, "Spies Tell Panel Huang May Have Risked Lives," *New York Post*, July 17, 1997; Jerry Seper, "Did Huang Briefings Put Lives at Risk?," *The Washington Times*, July 1, 1997, attached collectively as Appendix Exhibit 151.

<sup>344</sup> Bob Woodward, "FBI Had Overlooked Key Files In Probe of Chinese Influence," *The Washington Post*, November 14, 1997, attached as Appendix Exhibit 152.

<sup>345</sup> Huang Depo. at 164-66, attached as Appendix Exhibit 105.

<sup>346</sup> See, e.g., Phil Kuntz, "Huang, While at Commerce Department, Talked to Democratic Fund-Raisers," *The Wall Street Journal*, November 13, 1996; David Willman and Alan C. Miller, "Records Show Visits to Eximbank Director," *Los Angeles Times*, January 29, 1997, attached collectively as Appendix Exhibit 153.

<sup>347</sup> Edward Walsh & Anne Farns, "Panel Hears of Huang's Frequent Visits to Firm," *The Washington Post*, July 18, 1997 ("... the DNC credited Huang for soliciting two contributions totaling \$ 17,000 from [Lippo executive Kenneth] Wynn while Huang was working at Commerce."), attached as Appendix Exhibit 149.

<sup>348</sup> Susan Schmidt & Charles Babcock, "DNC Fund-Raiser Huang Visited White House Often," *The Washington Post*, October 31, 1996, attached as Appendix Exhibit 154.

<sup>349</sup> See, e.g., Phil Kuntz, "Huang, While at Commerce Department, Talked to Democratic Fund-Raisers," *The Wall Street Journal*, November 13, 1996, attached as Appendix Exhibit 153.

<sup>350</sup> See Huang Chronology at 3-10, attached as Appendix Exhibit 116; Judy Keen & Judy Hasson, "Sullivan Says Huang Unusual Hire," *USA Today*, July 10, 1997 ("When Huang came to the DNC in November 1995 ... [h]e had no professional fund-raising experience ... [b]ut Huang had powerful, insistent patrons who really wanted him to get the job. One of them was the [P]resident of the United States. So Huang became the third-ranking fund-raiser at the DNC."), attached as Appendix Exhibit 155.

<sup>351</sup> See, e.g., Brian Blomquist, "DNC Sought Trips for Big Donors: Ex-Commerce Aide," *The New York Post*, June 28, 1997 ("The DNC agreed to return much of the money raised by Huang after that money was found to be foreign and illegal."), attached as Appendix Exhibit 110; Bob Woodward, "Findings Link Clinton Allies to Chinese Intelligence," *The Washington Post*, February 10, 1998 ("Huang, the former Lippo executive and Democratic fund-raiser, may have a direct financial relationship with Chinese government. Last year, the DNC returned more than half of some \$3 million Huang collected for the party, saying its origins could not be established"), attached as Appendix Exhibit 115.

<sup>352</sup> Huang Depo. at 2, attached as Appendix Exhibit 105; see also Paul Sperry, "How Honest is Justice Probe? DOJ Lawyers Have Ties to Fund-Raiser Huang," *Investors Business Daily*, February 24, 1997 ("The Justice Department is defending some of the same Commerce Department officials it's investigating for illegal fundraising"), attached as Appendix Exhibit 127.

<sup>353</sup> John Fund, "The Department of Political Favors," *The Wall Street Journal*, October 29, 1996, attached as Appendix Exhibit 143.

<sup>354</sup> Michael Chapman, "An Inside Job at Commerce?—Satellite Secrets Left Department With Official," *Investors Business Daily*, June 19, 1998, attached as Appendix Exhibit 156.

<sup>355</sup> See, e.g., Terence P. Jeffrey, "The Mysterious Actions of Ira Sockowitz," *Human Events*, February 28, 1997 ("On Aug. 2, 1996, Ira Sockowitz formally left his job as a Commerce Department lawyer. ... When [he] walked out of the Commerce Department building he carried a box containing 136 documents, many of them classified."), attached as Appendix Exhibit 157.

<sup>356</sup> Videotaped Deposition of Jeffrey May at 11:31-11:37 a.m., June 10, 1997 ("May Depo.").

<sup>357</sup> See, e.g., Michael Chapman, "An Inside Job at Commerce?—Satellite Secrets Left Department With Official," *Investors Business Daily*, June 19, 1998, attached as Appendix Exhibit 156; Timothy Maier, "Commerce-ial Espionage?," *Insight*, September 1, 1997 ("The classified information Sockowitz took was so sensitive it threatened to put the National Security Agency, or NSA, out of business. ..."), attached as Appendix Exhibit 158.

<sup>358</sup> Michael Chapman, "An Inside Job at Commerce?—Satellite Secrets Left Department With Official," *Investors Business Daily*, June 19, 1998, attached as Appendix Exhibit 156.

<sup>359</sup> Sockowitz Depo. at 3:37–3:38, 5:01–5:08 p.m.

<sup>360</sup> Sockowitz Depo. at 4:50 p.m.

<sup>361</sup> *Id.* at 5:01 p.m.

<sup>362</sup> Lew Depo. at 4:25–4:26 p.m.

<sup>363</sup> Notice of Filing of Declaration by Non-Party SBA–IG Pursuant to November 5, 1996 Order, *Judicial Watch v. Commerce*, November 13, 1996; see also Declaration of James F. Hoobler, Inspector General for the SBA at 1–2, November 13, 1996, attached collectively as Appendix Exhibit 159.

<sup>364</sup> Notice of Filing of SBA's (Redacted) Document Inventory; Notice of Filing of Declaration by Non-Party SBA–IG Pursuant to November 5, 1996 Order, *Judicial Watch v. Commerce*, November 13, 1996; see also Jerry Seper, "Secret Papers' Move Probed for DNC Links," *The Washington Times*, February 14, 1997 ("The documents are so classified that we were not allowed to look at them," a congressional source said. . . . FBI and congressional investigators, the sources said, are trying to determine if the documents were being stored for Mr. Huang. . . .") attached collectively as Appendix Exhibit 160.

<sup>365</sup> Terrence P. Jeffrey, "The Mysterious Actions of Ira Sockowitz," *Human Events*, February 28, 1997, attached as Appendix Exhibit 157.

<sup>366</sup> March 23, 1998 Hearing at 97, attached as Appendix Exhibit 69.

<sup>367</sup> *Id.*

<sup>368</sup> Fitz-Pegado Depo. at 11:02–11:08 a.m.

<sup>369</sup> "FAQ" and "Investor Relations" pages from Iridium's Internet site, attached as Appendix Exhibit 161.

<sup>370</sup> *Id.*

<sup>371</sup> Notice of Filing of SBA's (Redacted) Document Inventory, *Judicial Watch v. Commerce*, November 1, 1996, attached as Appendix Exhibit 160; Notice of Filing of Declaration by Non-Party SBA–IG Pursuant to Nov. 5, 1996 Order, *Judicial Watch v. Commerce*, November 13, 1996, attached as Appendix Exhibit 159.

<sup>372</sup> Fitz-Pegado Depo. at 10:15–10:36 a.m., 10:42–11:23 a.m., and 2:22 p.m.; see also Timothy Maier, "Commerce-ial' Espionage?" *Insight*, September 1, 1997, attached as Appendix Exhibit 158.

<sup>373</sup> Michael Chapman, "An Inside Job at Commerce?—Satellite Secrets Left Department With Official," *Investors Business Daily*, June 19, 1998, attached as Appendix Exhibit 156.

<sup>374</sup> *Id.*

<sup>375</sup> *Id.*

<sup>376</sup> *Id.*

<sup>377</sup> *Id.*

<sup>378</sup> Ruth Marcus & John Mintz, "Big Donors Calls Favorable Treatment a 'Coincidence'," *The Washington Post*, May 25, 1998, attached as Appendix Exhibit 162.

<sup>379</sup> *Id.*

<sup>380</sup> "Loral CEO Frequent Administration Guest," *The Associated Press*, May 21, 1998, attached as Appendix Exhibit 163.

<sup>381</sup> The satellite encryptions were likely provided to Sockowitz by Hoyt Zia, Chief Counsel for the Commerce Department's Bureau of Export Controls. During his deposition, Huang admitted that Zia, who he was in contact with during his flight from U.S. marshals prior to his deposition, is a close friend.

Chronology: A History of Clinton Administration Obstruction in the Continuing Suit Which Uncovered John Huang, the Unauthorized Removal of Classified Satellite Encryptions and CIA Reports from the Commerce Department, and Caused the Chinagate Scandal at 20, *Judicial Watch v. Commerce*, May 26, 1998, attached as Appendix Exhibit 116. After Huang left the Commerce Department to work for the DISC, Zia, who was also deposed, admitted that he and other Asian Americans in the Clinton Administration would meet with Huang during the evenings to help with DNC fundraising. *Id.*; see also Kenneth R. Timmerman, "Loral Exams," *The American Spectator*, July 1998, attached as Appendix Exhibit 163.

<sup>382</sup> Defendant's Motion for a Protective Order, *Judicial Watch v. Commerce*, April 9, 1997, attached as Appendix Exhibit 164.

<sup>383</sup> *Id.*; Defendant's Memorandum of Points and Authorities in Support of Motion for a Protective Order at 1, *Judicial Watch v. Commerce*, April 9, 1997, attached as Appendix Exhibit 164.

<sup>384</sup> "Loral CEO Frequent Administration Guest," *The Associated Press*, May 21, 1998, attached as Appendix Exhibit 163.

<sup>385</sup> Defendant's Motion for a Protective Order, Defendant's Memorandum of Points and Authorities in Support of Motion for a Protective Order at 5–6, *Judicial Watch v. Commerce*, April 9, 1997, attached as Appendix Exhibit 164.

<sup>386</sup> Jeff Gerth, "Democrat Fund-Raiser Said to Name China Tie," *The New York Times*, May 15, 1998 ("At one fund-raiser to which Chung gained admission for her, she was photographed with President Clinton"), attached as Appendix Exhibit 165.

<sup>387</sup> David Jackson & Leena H. Sun, "Liu Deals With Chung: An Intercontinental Pole," *The Washington Post*, May 24, 1998, attached as Appendix Exhibit 166.

<sup>388</sup> Bob Woodward, "Findings Link Clinton Allies to Chinese Intelligence," *The Washington Post*, February 10, 1998, attached as Appendix Exhibit 115.

<sup>389</sup> "Campaign Finance Key Player: Yah Lin 'Charlie' Trie," *The Washington Post* (<http://www.washingtonpost.com>), September 26, 1998, attached as Appendix Exhibit 167.

<sup>390</sup> Jonathan D. Salant, "Panel Looks at Fund-Raiser's Access," *The Associated Press*, February 26, 1998, attached as Appendix Exhibit 168.

<sup>391</sup> Sopko Depo. at 11:25 a.m.

<sup>392</sup> *Id.* at 11:57 a.m.

<sup>393</sup> *Id.* at 2:06 p.m.



<sup>394</sup>Roberto Suro, "Trie Enters Plea of Not Guilty," *The Washington Post*, February 6, 1998, attached as Appendix Exhibit 169.

<sup>395</sup>Clinton Commerce Department Office of Business Liaison Memos (from Sally Painter to Melissa Moss), attached collectively as Appendix Exhibit 76.

<sup>396</sup>"Memorandum from Eric Silden Re: Trade Mission to Russia," January 13, 1994, attached as Appendix Exhibit 77.

<sup>397</sup>Kevin Galvin, "Probe Looks at Trips, Fund Raising," *The Associated Press*, September 17, 1998 attached as Appendix Exhibit 170.

<sup>398</sup>Order, *Judicial Watch v. Commerce*, September 11, 1998, attached as Appendix Exhibit 171.

<sup>399</sup>March 23, 1998 Hearing at 99-100, attached as Appendix Exhibit 69.

<sup>400</sup>Defendant Federal Election Commission's Motion for Sanctions Under Rule 11, *Judicial Watch, Inc. v. Federal Election Commission*, No. 1:98CV00386 (D.D.C. June 8, 1998), attached as Appendix Exhibit 172.

<sup>401</sup>Memorandum Opinion at 6, *Judicial Watch, Inc. v. Federal Election Commission*, No. 1:98CV00386 (D.D.C. July 6, 1998), attached as Appendix Exhibit 173.

<sup>402</sup>Statement of Senator John McCain, Chairman, Senate Committee on Commerce, Science and Transportation, Full Committee Hearing on the Transfer of Satellite Technology to China, September 17, 1998, attached as Appendix Exhibit 174.

<sup>403</sup>The above substantial and credible evidence shows the likely violation of the following federal laws: 18 U.S.C. § 201 (bribery of public officials and witnesses), 18 U.S.C. § 211 (acceptance or solicitation to obtain appointive public office), 18 U.S.C. § 371 (conspiracy to commit offense or to defraud the United States), 18 U.S.C. § 372 (conspiracy to impede or injure officer), 18 U.S.C. § 402 (contempts constituting crimes), 18 U.S.C. § 494 (uttering or publishing a false public record), 18 U.S.C. § 600 (promise of employment or other benefit for political activity), 18 U.S.C. § 601 (deprivation of employment or other benefit for political contribution), 18 U.S.C. § 607 (use of a public building to solicit political funds), 18 U.S.C. § 792 (harboring or concealing persons involved in espionage), 18 U.S.C. § 793 (gathering, transmitting or losing defense information), 18 U.S.C. § 794 (gathering or delivering defense information to aid foreign government), 18 U.S.C. § 798 (disclosure of classified information), 18 U.S.C. § 1016 (making a false acknowledgment), 18 U.S.C. § 1503 (obstruction of justice), 18 U.S.C. § 1505 (obstruction of proceedings before departments, agencies, and committees), 18 U.S.C. § 1509 (obstruction of court orders), 18 U.S.C. § 1510 (obstruction of criminal investigation), 18 U.S.C. § 1512 (tampering with a witness, victim, or an informant), 18 U.S.C. § 1513 (retaliating against a witness, victim, or an informant), 18 U.S.C. § 1621 (perjury), 18 U.S.C. § 1622 (subornation of perjury), 18 U.S.C. § 1623 (false declarations before grand jury or court), 18 U.S.C. § 1924 (unauthorized removal and retention of classified documents or material), 18 U.S.C. § 2071(b) (concealment, removal, or mutilation of public records), and 2 U.S.C. § 441e (contributions by foreign nationals).

<sup>404</sup>Presidential Legal Expense Trust, June 28, 1994, attached as Appendix Exhibit 175.

<sup>405</sup>See Correspondence of Congressman Christopher Cox and Congresswoman Deborah Pryce to the Office of Government Ethics at 1, August 3, 1994 ("Congressional Correspondence"), attached as Appendix Exhibit 176.

<sup>406</sup>5 U.S.C. § 7353(a) (emphasis added); Congressional Correspondence at 2.

<sup>407</sup>Congressional Correspondence at 2 (quoting 5 C.F.R. § 2635.202(a)).

<sup>408</sup>5 C.F.R. § 2635.202(a) (1998) (emphasis added).

<sup>409</sup>Congressional Correspondence at 2.

<sup>410</sup>See, e.g. Paul A. Gigot, "Why a President Shouldn't Have to Go Begging," *The Wall Street Journal*, July 1, 1994, attached as Appendix Exhibit 177.

<sup>411</sup>See Complaint at para. 21, *Judicial Watch, Inc. v. Hillary Rodham Clinton, et al.*, No. 94-1688 (D.D.C. filed August 4, 1994), attached as Appendix Exhibit 178; see also Presidential Legal Expense Trust, June 28, 1994, attached as Appendix Exhibit 175.

<sup>412</sup>5 U.S.C. App. 2, attached as Appendix Exhibit 179.

<sup>413</sup>Memorandum Opinion at 6, 11, *Judicial Watch, Inc. v. Hillary Rodham Clinton, et al.*, No. 94-1688 (February 21, 1995), attached as Appendix Exhibit 180. The court also noted that "[t]o the court's knowledge, there have been no other funds established by a sitting president to offset his personal legal fees and costs. *Id.* at 6.

<sup>414</sup>See Letter to *Judicial Watch, Inc.* from John C. Keeney, Deputy Assistant Attorney General, Criminal Division, U.S. Department of Justice, August 30, 1994, attached as Appendix Exhibit 181. It is interesting to note that Keeney's son is one of John Huang's personal lawyers, and represented Huang during his *Judicial Watch* deposition.

<sup>415</sup>See, e.g. Peter Baker, "Clinton Defense Fund Gave Back \$640,000," *The Washington Post*, December 17, 1996 ("When Trie arrived, he told [the Executive Director of the Trust] he had heard about the Clintons' financial troubles and wanted to help. He then produced two large manila envelopes filled with hundreds of checks and money orders, most for \$1,000 or less. . . ."); Stephen Labaton, "White House Reports Many Visits by Fund-Raiser," *The New York Times*, December 19, 1996; Associated Press, "Donations Raiser Often at White House," *The Washington Times*, December 19, 1996; "Trie Often Paid Visits to the White House," *The Wall Street Journal*, December 19, 1996; Ruth Marcus, "Businessman Trie Has Visited White House At Least 23 Times," *The Washington Post*, December 19, 1996; Peter Baker & Ruth Marcus "Clinton Kept Ties to Key Supporter Despite Doubts," *The Washington Post*, December 18, 1996, attached collectively as Appendix Exhibit 182.

<sup>416</sup>See, e.g. Jeanne Cummings, "Clinton Closes Fund for His Legal Fees After Steep Drop in Contributions in 1997," *The Wall Street Journal*, December 31, 1997; John F. Harris, "President Decides to Close Money-Losing Defense Fund," *The Washington Post*, December 31, 1997; Neil A. Lewis, "Clinton Legal Fund Proves Inadequate; New Effort Sought," *The New York Times*, December 31, 1997, attached collectively as Appendix Exhibit 183. To this day, the Clintons have never returned the interest accrued on the illegal Communist Chinese monies laundered into the Trust by Charlie Trie.

<sup>417</sup> See, e.g. The Clinton Legal Expense Trust ("the second Trust"), February 17, 1998; Letter from Judicial Watch, Inc. to Anthony F. Essaye, Esq., September 1, 1998; attached collectively as Appendix Exhibit 184.

<sup>418</sup> *Id.* see also Peter Baker, "President Testified to Late Gifts to Lewinsky," *The Washington Post*, August 22, 1998 ("The newly reconstituted defense fund, operat[es] with looser rules governing solicitations and large donations. . . ."); Don Van Natta, Jr., "Clinton Defense Fund Nets More Than \$2 Million in 6 Months," *The New York Times*, August 13, 1998 ("The new trust is free of some of the restrictions that had been on the original fund prohibiting solicitations and limiting annual contributions to \$1,000 per individual."), attached collectively as Appendix Exhibit 185.

<sup>419</sup> *Id.*

<sup>420</sup> This was disclosed during Senator Fred Thompson's campaign finance hearings before the Governmental Affairs Committee.

<sup>421</sup> Peter Baker, "Clinton Consults Former Fund-Raiser About Jones Deal," *The Washington Post*, September 27, 1998, attached as Appendix Exhibit 186.

Ms. JACKSON LEE. Mr. Chairman.

Mr. HYDE. The gentlewoman from Texas.

Ms. JACKSON LEE. Let me inquire—and I appreciate Mr. Barr's courtesy to Mr. Schippers—if any of us wanted to extend such a courtesy to Mr. Lowell for any personal comments he might desire to make, could we do so within the record?

Mr. HYDE. Yes, absolutely.

Mr. FRANK. Mr. Chairman, parliamentary inquiry. Will Mr. Schippers appear in the record as a statement of Mr. Schippers or Mr. Barr?

Mr. BARR. Mr. Barr.

Mr. FRANK. Mr. Schippers' statement will appear as Mr. Barr's statement?

Mr. BARR. Yes.

Mr. FRANK. Have we passed the copyright legislation yet, Mr. Chairman?

Ms. JACKSON LEE. Mr. Chairman, I have not finished my inquiry. The other inquiry was just an additional question on the Constitutional Subcommittee and the joining of other members, the meeting of the Constitutional Subcommittee and other members being—

Mr. HYDE. All members may attend the meeting of the Constitutional Subcommittee, and it will be up to the chairman of the Constitutional Subcommittee to determine their participation in the proceeding.

Ms. JACKSON LEE. Thank you, Mr. Chairman.

Ms. WATERS. Mr. Chairman.

Mr. HYDE. I would like to finish my business, if I may, just for one moment.

The members will be given 2 days, as provided by the House rules, in which to submit additional dissenting or minority views. Without objection, the staff is directed to make technical and conforming changes.

Mr. Conyers.

Mr. CONYERS. Thank you. I am hoping that the Constitutional Subcommittee will never schedule meetings that conflict with the full committee's meetings on this same subject. I urge the chairman of the subcommittee to please keep that in the front of his mind.

Mr. HYDE. I think that is an excellent suggestion.

I move that the committee adopt the rules of procedure for the impeachment inquiry which the members have before them and which the clerk will designate.

The CLERK. House Committee on the Judiciary Impeachment Inquiry Procedures.

Mr. HYDE. I ask unanimous consent that further reading of the rules be dispensed with.

#### HOUSE COMMITTEE ON THE JUDICIARY IMPEACHMENT INQUIRY PROCEDURES

The Committee on the Judiciary states the following procedures applicable to the presentation of evidence in the impeachment inquiry pursuant to H. Res. \_\_\_\_, subject to modification by the Committee as it deems proper as the inquiry proceeds.

A. The Committee shall conduct an investigation pursuant to H. Res. \_\_\_\_.

1. Any Committee Member may bring additional evidence to the Committee's attention.

2. The President's counsel shall be invited to respond to evidence received and testimony adduced by the Committee, orally or in writing as shall be determined by the Committee.

3. Should the President's counsel wish the Committee to receive additional testimony or other evidence, he shall be invited to submit written requests and precise summaries of what he would propose to show, and in the case of a witness, precisely and in detail what it is expected the testimony of the witness would be, if called. On the basis of such requests and summaries and of the record then before it, the Committee shall determine whether the suggested evidence is necessary or desirable to a full and fair record in the inquiry, and, if so, whether the summaries shall be accepted as part of the record or additional testimony or evidence in some other form shall be received.

B. If and when witnesses are to be called, the following additional procedures shall be applicable to hearings held for that purpose:

1. The President and his counsel shall be invited to attend all hearings, including any held in executive session.

2. Objections relating to the examination of witnesses, or to the admissibility of testimony and evidence may be raised only by a witness or his counsel, a Member of the Committee, Committee counsel or the President's counsel and shall be ruled upon by the Chairman or presiding Member. Such rulings shall be final, unless overruled by a vote of a majority of the Members present.

3. Committee counsel shall commence the questioning of each witness and may also be permitted by the Chairman or presiding Member to question a witness at any point during the appearance of the witness.

4. The President's counsel may question any witness called before the Committee, subject to instructions from the Chairman or presiding Member respecting the time, scope and duration of the examination.

C. The Committee shall determine, pursuant to the Rules of the House, whether and to what extent the evidence to be presented shall be received in executive session.

D. The Chairman is authorized to promulgate additional procedures as he deems necessary for the fair and efficient conduct of Committee hearings held pursuant to H. Res. \_\_\_\_, provided that the additional procedures are not inconsistent with these Procedures, the Rules of the Committee, and the Rules of the House. Such procedures shall govern the conduct of the hearings, unless overruled by a vote of a majority of the Members present.

E. For purposes of hearings held pursuant to these rules, a quorum shall consist of ten Members of the Committee.

F. Information obtained by the Committee pursuant to letter request, subpoena, deposition, or interrogatory shall be considered as taken in executive session unless it is received in an open session of the Committee. The Chairman is authorized to determine whether other materials received by the Committee shall be deemed executive session material.

I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman and members, I have reviewed the rules and the procedures that are involved, and if there are any of them to be passed out, maybe some of our members would like them. We have had them already.

Mr. HYDE. They were before.

Mr. CONYERS. Let us say that it is critical that the subpoena power is shared between the chairman and the ranking member, that the rules track the Watergate provisions; and on this score, we are quite satisfied with the procedures.

I would urge that the members join in support.

I would like to particularly thank the chairman and his Chief of Staff, Tom Mooney, for the cooperation that they gave to our staff in crafting this important set of rules.

Mr. HYDE. I want to thank the ranking member and thank his staff for their cooperation, as well.

The question occurs on the motion to adopt the committee rules.

Ms. LOFGREN. Mr. Chairman.

Mr. HYDE. Ms. Lofgren.

Ms. LOFGREN. Very briefly, I will vote for these rules. But I would like to note that how we will operate is not just the rules we adopt, but how we act. These are the same rules that were in use in 1974.

I would note that in 1974 that never once was a subpoena requested by either side appealed to the full committee. I am hopeful that that cooperation would again be the pattern of this proceeding.

I yield back.

Mr. HYDE. I thank the gentlewoman.

The question occurs on the motion to adopt the committee rules of procedure.

All those in favor vote aye.

Opposed, no.

Without objection——

Ms. WATERS. No.

Mr. HYDE. One no. The ayes have it.

Without objection, the staff is directed to make technical and conforming changes.

The committee stands adjourned.

[Whereupon, at 7:58 p.m., the committee adjourned.]